

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 - - -
4 SIMON CAMPBELL, et al., :
5 Plaintiffs : CIVIL ACTION
6 vs. : NO.
7 PENNSYLVANIA SCHOOL : 18-CV-892-JD
8 BOARDS ASSOCIATION,
et al., :
Defendants. :
9 - - -
10 Tuesday, May 22, 2018
11 - - -

12 Videotaped deposition of KATHY
13 ANN SWOPE, taken pursuant to Notice at the
14 Law Offices of Gordon & Rees Scully
15 Mansukhani, LLP, 2005 Market Street, Suite
16 2900, Philadelphia, Pennsylvania 19103,
17 beginning at 9:08 a.m., before Brigitte A.
18 Strain, a Federally Certified Registered
19 Professional Reporter and a Notary Public in
20 and for the Commonwealth of Pennsylvania.
21 - - -

22 VERI TEXT LEGAL SOLUTIONS
23 M D-ATLANTIC REGION
1801 Market Street - Suite 1800
24 Philadelphia, Pennsylvania 19103

1

I N D E X

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3 Testimony of: KATHY ANN SWOPE
4 By Mr. Cohn.....10
5 - - -
6 E X H I B I T S

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1 A P P E A R A N C E S :

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Technician
16 Simon Campbell
17
18
19
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22
23
24

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4 Mr. Campbell to Mr.
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6 P-234 October 2, 2017 e-mail
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1 VIDEO TECHNICIAN: Good
2 Morning. We're now going on the
3 record at 9:08 a.m. on May 29th,
4 2018.

5 Please note that the
6 microphones are sensitive and may
7 pick up whispering, private
8 conversations and cellular
9 interference. Please turn off all
10 cell phones or place them away from
11 microphones as they could interfere
12 with the deposition audio.

13 This is media unit number one
14 of the video recorded deposition of
15 Kathy Swope in the matter of Simon
16 Campbell, et al. versus Pennsylvania
17 School Boards Associates, et al.,
18 which is filed in the United States
19 District Court for the Eastern
20 District of Pennsylvania, Case Number
21 218-CV-892-JD.

22 This deposition is being held
23 at Gordon & Rees, located at 2005
Market Street, One Commerce Square,

1 Philadelphia, Pennsylvania.

2 My name is Benjamin Neate from
3 the firm Veritext, and I'm the
4 videographer. The court reporter is
5 Brigitte Strain from the firm
6 Veritext.

7 I'm not authorized to
8 administer an oath. I'm not related
9 to any party in this action, nor am I
10 financially interested in the
11 outcome.

12 Counsel and all present in the
13 room will now state their appearances
14 and affiliations for the record.

15 MR. COHN: For the Plaintiff,
16 Jacob Cohn of Gordon & Rees.

17 Eric.

18 MR. ERIC ROSENBERG: Hi. Eric
19 Rosenberg from the firm Gordon & Rees
20 for the Plaintiff.

21 MR. BROWN: David Brown from
22 Levin Legal Group for all Defendants.

23 VIDEO TECHNICIAN: Will the
24 court reporter please swear in the

20:57:09 1 witness.

2 - - -
3 KATHY ANN KOON SWOPE, having
4 first been duly sworn, was
5 examined and testified as follows:

6 - - -
7 EXAMINATION

8 - - -
9 BY MR. COHN:

10 Q. All right. Good morning, Ms.
11 Swope.

12 MR. COHN: Court reporter,
13 please note that Mr. Campbell is
14 present and Mr. Ilan Rosenberg may be
15 present for parts of this.

16 BY MR. COHN:

17 Q. And, Ms. Swope, I am placing
18 here a bunch of exhibits that we have
19 previously marked that we may be using
20 again.

21 Would you please state your
22 full name and address for the record,
23 please?

1 A. **Certainly. Kathy Ann Koon**
2 **Swope, 48 Oak Wood Drive, Winfield,**
3 **Pennsylvania.**

4 Q. Do you reside in Winfield?

5 A. **That is correct.**

6 Q. And you serve as a school
7 board director in Lewisburg?

8 A. **That is correct.**

9 Q. Have you ever participated in
10 a deposition before?

11 A. **Yes, I have.**

12 Q. Okay. So I could skip over
13 the standard instructions, but I'll give you
14 a couple anyway. One of which is, if you or
15 counsel interjects an objection, unless he
16 instructs you not to answer or unless I
17 choose to rephrase the question, or withdraw
18 the question in response to his objection,
19 please answer it as best you can. Okay?

20 A. **Certainly.**

21 Q. And if you don't understand
22 something that I'm asking, please feel free
23 to ask for clarification. And When we are
24 engaged in our colloquy, please wait for me

10

12

1 to finish a question, and I will try hard,
2 and I'm bad at it, to wait for you to finish
3 an answer so that we're not talking all over
4 each other. It makes a very bad record.
5 And you need to keep your responses verbal
6 rather than nonverbal or physical. Is that
7 okay?

8 A. **Certainly.**

9 Q. Okay. Where are you
10 registered to vote?

11 A. **Union County, Pennsylvania.**

12 Q. You don't reside there?

13 A. **Yes, I do reside there.**

14 Q. And you also reside in
15 Wynnewood?

16 A. **I'm sorry?**

17 Q. You also reside in Wynnewood?

18 A. **No, Winfield is the town.**

19 Q. Oh, Winfield is in -- I
20 thought you said -- I thought you were
21 referring to Philadelphia.

22 A. **No. No, no, no, no.**

23 **Winfield, Pennsylvania is the name of the**
24 **town that I live in.**

1 Q. All right. That makes it --
 2 A. **And that is in Union County.**
 3 Q. That's part of the Lewisburg
 4 School District?
 5 A. **Yes.**

6 - - -
 7 (Whereupon the document was
 8 marked, for identification purposes,
 9 as Exhibit Number P-225.)

10 - - -
 11 BY MR. COHN:

12 Q. Okay. So let's take a -- This
 13 is Exhibit P-225. Have you seen your
 14 deposition notice? That's what that is.

15 A. **Yes, I have.**

16 Q. And you're here in response to
 17 that; correct?

18 A. **Pardon?**

19 Q. You're here pursuant to the
 20 deposition notice; correct?

21 A. **That is correct.**

22 - - -
 23 (Whereupon the document was
 24 marked, for identification purposes,

1 Q. Have you gone to college
 2 before that?

3 A. **Yes.**

4 Q. Do you have another degree?

5 A. **No.**

6 Q. Okay. When did you first
 7 become a school board member?

8 A. **June of 1999.**

9 Q. And you have served
 10 continuously on Lewisburg School Board since

11 then; correct?

12 A. **That is correct.**

13 Q. And you've been the president
 14 since when?

15 A. **This is my 11th year.**

16 Q. Okay. Your solicitor is
 17 currently Mr. Fanelli; is that correct?

18 A. **That is correct.**

19 Q. So tell me how you first came
 20 to be involved with positions within PSBA?

21 A. **Ah.**

22 Q. If you don't mind, I'll make
 23 this easier for you.

24 A. **Yes, it's a lot of time ago,**

14

16

1 as Exhibit Number P-226.)

2 - - -

3 BY MR. COHN:

4 Q. All right. Let's take a look
 5 at P-226, which I think will help us go
 6 through your background. It's a little bio
 7 about you.

8 A. **Uh-huh.**

9 Q. Is this something that you
 10 prepared for the PSBA to put up on their Web
 11 site?

12 A. **That is correct.**

13 Q. Okay. So it is correct?

14 A. **Yes.**

15 Q. Okay. So you went to
 16 Susquehanna University?

17 A. **Yes.**

18 Q. And you got a teaching degree?

19 A. **Yes.**

20 Q. And have you been a teacher?

21 A. **No.**

22 Q. What have you done -- when did
 23 you graduate with your teaching degree?

24 A. **2010.**

1 **so I have to go back.**

2 Q. Trace for me --

3 A. **Sure.**

4 Q. -- your involvement in the
 5 PSBA and the positions you held?

6 A. **Sure. My earliest position,**
probably -- I don't remember the exact date
it began or even what year, but I began as a
county coordinator for PSBA. And then I
went on to become the assistant --
assistant regional director. Then I became
the regional director for section -- Region
6. Then, I -- I ran for Eastern At-Large.
And then I ran for president-elect. And
then I served as president-elect in 2015. I
was president in 2016. And I am immediate
past president for 2017 and 2018 because the
circumstances are such that there was not
another immediate past president.

20 Q. So but for the fact that the
 21 president resigned prematurely last year,
 22 you would be off the Board this year?

23 A. **That is correct.**

24 Q. Okay. What was the first year

1 you were on the board -- which of these
 2 positions resulted in your being on the
 3 board?
 4 **A. Regional director.**
 5 Q. Okay. And that was 2008?
 6 **A. Yes, that would be 2008.**
 7 Q. And you have continuously
 8 served on the board since 2008? Were you on
 9 the board --
 10 **A. No, it's been 2007, I think.**
 11 **Yes, 2007, because this is my -- this is my**
 12 **11th year. So that would have been 200 -- I**
 13 **guess 2007.**
 14 Q. Your 11th consecutive year on
 15 the board?
 16 **A. Correct.**
 17 Q. Are you the longest tenured --
 18 **A. Yes.**
 19 Q. -- governing board director?
 20 **A. Yes, I am.**
 21 Q. Okay. I see you hold some
 22 other positions related to education. You
 23 are -- What is the LASD?
 24 **A. That is Lewisburg Area School**

18

1 **District.**
 2 Q. Okay. And then -- Let me see
 3 if I could read the small -- or if it's on
 4 here. There's some liquid asset fund that
 5 you were involved in?
 6 **A. Yes.**
 7 Q. What is that?
 8 **A. That's -- the Pennsylvania**
 9 **School District Liquid Asset Fund is a**
 10 **vehicle by which school districts can invest**
 11 **money, and I serve on the Board of**
 12 **Directors.**
 13 Q. Okay. And do you serve on
 14 that Board of Directors because of any
 15 particular position you hold with the school
 16 district or with the PSBA?
 17 **A. Yeah. You must be a school**
 18 **director to serve on that board.**
 19 Q. Okay. Well, Nathan Mains
 20 still serves on it, doesn't he?
 21 **A. Yes. Affiliated PSBA and**
 22 **Pennsylvania -- what's it called -- PASBO,**
 23 **Pennsylvania Association of School Business**
 24 **Officials jointly operate PSDLAF.**

1 Q. PDLAF, right?
 2 **A. No.**
 3 Q. What?
 4 **A. P-S-D-L-A-F.**
 5 Q. Okay. That's the School
 6 District Liquid Asset Fund?
 7 **A. Correct.**
 8 Q. And is that a paying position,
 9 being the trustee?
 10 **A. No.**
 11 Q. Are you on any other boards of
 12 any other education-related entities?
 13 **A. Yes.**
 14 Q. What is that? What are they?
 15 **A. I serve on the board of the**
 16 **Pennsylvania Public Education Foundation.**
 17 Q. Is that something that you
 18 need to be a school director or a PSBA
 19 director to serve as?
 20 **A. No.**
 21 Q. I also understand that you are
 22 a director of C.M. Regent Insurance Company?
 23 **A. Yes, I am.**
 24 Q. Is that a paying position?

20

1 **A. Yes, it is.**
 2 Q. How much does that pay?
 3 **A. That -- All of the independent**
 4 **directors -- I'm trying to think what the**
 5 **last number was. I think it is 38,000.**
 6 Q. Per year?
 7 **A. Yes.**
 8 Q. Plus expenses to attend
 9 meetings?
 10 **A. I don't put in for expenses,**
 11 **but I could.**
 12 Q. How long have you served on
 13 the board of that company?
 14 **A. Since June of 2016.**
 15 Q. And that was when the company
 16 was purchased by Church Mutual and its name
 17 was changed?
 18 **A. Yes.**
 19 Q. Did you serve under the board
 20 of the predecessor company before it was
 21 acquired?
 22 **A. Yes, I did.**
 23 Q. From what period of time?
 24 **A. 2015 to June of 2016.**

1 Q. Was there, or is there, any
 2 requirement that you be a PSBA board member
 3 to serve in that position?

4 A. **Which position?**

5 Q. The director of the C.M.
 6 Regent, or the company that was C.M. Regent
 7 before it changed its name.

8 A. **Before it changed its name.**

9 **School Boards Insurance Company, at that**
 10 **time, yes, I had to be a member of the**
governing board at that point.

11 Q. And that's no longer --

12 A. **As far as C.M. Regent, no, I**
had no -- I have no requirements, that I
know of.

13 Q. As a member of the governing
 14 board, are you familiar with the bylaws of
 15 PSBA?

16 A. **Yes, I am.**

17 Q. As a member of the governing
 18 board, do you understand the function of the
 19 government board?

20 A. **I do.**

21 Q. Do you understand that one of

22 the functions of the governing board is to
 23 oversee the people that run the day-to-day
 24 operations of PSBA?

25 A. **Yes.**

26 Q. And you're the president of
 27 the school board, your home school board;
 28 correct?

29 A. **That is correct.**

30 Q. As the president of the home
 31 school board, how much time, on an average
 32 week, do you spend in -- in school business?

33 A. **Just for my local school**
district?

34 Q. Yes.

35 A. **Probably about 15 hours a**
week.

36 Q. How much time do you spend on
 37 PSBA business on an average week?

38 A. **Maybe about four.**

39 Q. And when -- strike that.
 40 As the president of the school
 41 board, is it fair to say that you are the
 42 most involved school board member on a
 43 day-to-day basis with school district

1 business?

2 A. **Yes.**

3 Q. Are you somebody that has the
 4 most day-to-day contact with the
 5 superintendent?

6 A. **Yes.**

7 Q. If important things are
 8 circulated on an e-mail within the school
 9 district, would you be one of the typical
 10 copy readers?

11 A. **Copy readers? Please clarify.**

12 Q. A cc.?

13 A. **No, not in school district**
business. If it goes out to staff or
something, no, because that wouldn't be a
governance function.

14 Q. Okay. Have you ever met Mr.
 15 Campbell before?

16 A. **No.**

17 Q. When was the first time you
 18 heard of Simon Campbell?

19 A. **Last spring.**

20 Q. In what context did you hear
 21 about Simon Campbell?

22

23 A. **The Right-to-Know request**
received by my school district.

24 Q. Let's talk about Right-to-Know
 25 Law requests received by your school
 26 district in the spring of last year. There
 27 was one that was sent in March, which is not
 28 the one that PSBA sued Mr. Campbell about.
 29 Are you familiar with that one?

30 A. **Probably. I couldn't tell you**
exactly what it was about, but I was aware
that, as of last spring at some point, that
we began -- that we received something,
so...

31 Q. Did you have any conversations
 32 within the school district about Mr.
 33 Campbell's Right-to-Know Law request or
 34 requests in the spring of last year?

35 A. **Yes, I recall having a**
conversation with our business manager.

36 Q. Is that Mr. Fairchild?

37 A. **Yes.**

38 Q. And he's also the
 39 Right-to-Know Law officer?

40 A. **That's correct.**

1 Q. When, to the best of your
 2 recollection, did you have that conversation
 3 with him?

4 A. **I don't recall.**

5 Q. Was it before or after you
 6 became aware that PSBA was considering suing
 7 Mr. Campbell?

8 A. **No, before.**

9 Q. What was your conversation
 10 with Mr. Fairchild?

11 A. **Just that we had received this
 12 request and I had suggested that, you know,
 13 that because he had said something about the
 14 request to me, I said, you know, make sure
 15 you run it by our solicitor. That was it.**

16 Q. Who at that time was Mr.

17 Fanelli?

18 A. **Yes.**

19 Q. Your prior solicitor was
 20 replaced when, in 2016?

21 A. **No. No, no, no, no. I don't
 22 recall exactly. It's several years ago.**

23 Q. I remember reading something
 24 about his being replaced, that he was -- he

1 June meeting in Washington D.C.; correct?

2 A. **No, I had another
 3 conversation.**

4 Q. With whom?

5 A. **Nathan Mains.**

6 Q. And that was prior to this
 7 meeting?

8 A. **Yes.**

9 Q. And What was that
 10 conversation?

11 A. **He wanted my thoughts on how
 12 best to present this to the board.**

13 Q. What did he tell you he wanted
 14 to present to the board?

15 A. **The consideration of pursuing
 16 a lawsuit.**

17 Q. Why did he tell you that he
 18 wanted to consider pursuing a lawsuit by
 19 PSBA against PFUR and Mr. Campbell?

20 A. **I don't recall.**

21 Q. What basis did he give you for
 22 pursuing a lawsuit against PFUR and Mr.
 23 Campbell?

24 A. **Because of the -- how --**

26

28

1 was replaced by Mr. Fanelli; correct?

2 A. **Yes.**

3 Q. Who was the prior solicitor?

4 A. **Carl Beard.**

5 Q. From the Beard Law Group?

6 A. **That is correct.**

7 Q. When -- Let me get a time
 8 frame here. It's my understanding from
 9 prior testimony that the vote of the
 10 governing board of PSBA to authorize a
 11 lawsuit against Mr. Campbell and PFUR, for
 12 Pennsylvanians For Union Reform, was taken
 13 at a meeting in June in Washington D.C. Is
 14 that consistent with your recollection?

15 A. **That is correct.**

16 Q. Prior to that point in time,
 17 other than your discussion with Mr.
 18 Fairchild, did you have any other
 19 discussions with anybody about Mr. Campbell
 20 or PFUR?

21 A. **Not that I recall.**

22 Q. Okay. So the first time you
 23 remember having any discussion of Mr.
 24 Campbell in the context of PSBA was at this

1 **Because of the many things that had been
 2 done that were hurting our image and our
 3 reputation.**

4 Q. Which were what?

5 A. **The videos that were being
 6 sent out, the Internet Web site. Those
 7 items.**

8 Q. Did he tell you that he wanted
 9 to sue Mr. Campbell and PFUR because of the
 10 statewide Right-to-Know Law requests that he
 11 had been serving?

12 A. **No.**

13 Q. Did he say that he wanted to
 14 sue because of information that was being
 15 sought through those requests that involved
 16 financial information of PSBA?

17 A. **No.**

18 Q. Were either of those two bases
 19 for suing Mr. Campbell presented to the
 20 board?

21 A. **Not that I recall.**

22 Q. So Mr. Mains said he wanted to
 23 have PSBA sue the plaintiffs here because of
 24 their online videos and online Web sites;

1 correct?
 2 A. **No, because of damaging the**
 3 **reputation of PSBA.**
 4 Q. By the online videos and the
 5 online Web sites; correct?
 6 A. **Correct.**
 7 Q. And by the e-mails that Mr.
 8 Campbell and PFUR were sending to PSBA
 9 members; correct?
 10 A. **Yes.**
 11 Q. He wanted to sue them as
 12 well -- tell me if I'm wrong -- because,
 13 among other things, those e-mails urge the
 14 members to quit PSBA; is that correct?
 15 A. **That is correct.**
 16 Q. Okay. Did he tell you
 17 anything about Ms. Leader's assertion that
 18 Mr. Campbell had hacked into her private
 19 e-mails?
 20 A. **I do know about that, but I'm**
 21 **not sure when I became aware of it.**
 22 Q. Do you know that that has now
 23 been debunked and that contention has been
 24 abandoned?

1 think. I don't know that I ever knew the
 2 exact name of the law firm. I knew that we
 3 were pursuing the lawsuit.
 4 Q. Were you told that the law
 5 firm that had been hired had a reputation
 6 that they cultivated for being nasty
 7 litigators?
 8 MR. BROWN: Objection to form.
 9 BY MR. COHN:
 10 Q. You can answer.
 11 MR. BROWN: You can answer, if
 12 you know.
 13 THE WITNESS: No.
 14 BY MR. COHN:
 15 Q. What were you told by Mr.
 16 Mains was the goal of suing Mr. Campbell?
 17 MR. BROWN: Again, I instruct
 18 you not to discuss it if it was
 19 discussed in the presence of counsel.
 20 MR. COHN: Well, I don't think
 21 that's appropriate. The presence of
 22 counsel does not make everything
 23 automatically privileged. If you're
 24 asking for advice or you're seeking

30

1 A. **Yes.**
 2 Q. Do you know what --
 3 A. **Let me clarify that. I know**
 4 **that's what's been presented as there was an**
 5 **explanation presented, but I don't know that**
 6 **it's been debunked.**
 7 MR. BROWN: I will -- just to
 8 advise you not to discuss anything
 9 that was discussed by counsel or told
 10 to you by counsel.
 11 THE WITNESS: Oh, I thought
 12 you would jump in if that --
 13 MR. BROWN: Yes.
 14 THE WITNESS: Good. Okay.
 15 You're jumping in. Good.
 16 BY MR. COHN:
 17 Q. When was the first time you
 18 ever heard about the law firm of Bochetto &
 19 Lentz?
 20 A. **I do not recall.**
 21 Q. Were you told that Bochetto &
 22 Lentz was being retained to prosecute the
 23 lawsuit against my clients?
 24 A. **To be honest -- trying to**

32

1 advice or you're getting advice,
 2 that's one thing, but you cannot
 3 insulate an entire meeting, where
 4 other things are being discussed and
 5 facts are being transmitted, by
 6 having a lawyer hiding in the corner.
 7 MR. BROWN: If the discussion
 8 was prompted from counsel, then the
 9 instruction stands.
 10 BY MR. COHN:
 11 Q. Well, let's -- I'm going to
 12 retract my question. It's my understanding
 13 that Mister -- strike that. There was a --
 14 My understanding is, there was no lawyer
 15 physically present at the June meeting in
 16 Washington D.C. Is that consistent with
 17 your recollection?
 18 A. **That is correct.**
 19 Q. And there was a lawyer on the
 20 telephone available to consult with. Is
 21 that your understanding?
 22 A. **He was not just available to**
 23 **consult with, but that provided guidance.**
 24 Q. Okay. So he was there to

1 provide legal advice and to answer questions
2 about legal advice; correct?
3 A. **Correct.**
4 Q. And that was Mr. Levin?
5 A. **That is correct.**
6 Q. Was anybody else on the phone?
7 A. **One of the board members, I**
8 **believe, might have been.**
9 Q. Okay. But no other lawyer was
10 on the phone; correct?
11 A. **Not that I -- Well -- I don't**
12 **recall.**
13 Q. You know who Mr. Heim is,
14 David Heim?
15 A. **Yes, I do.**
16 Q. Do you know whether or not he
17 was on the telephone?
18 A. **He may have been. I don't**
19 **recall.**
20 Q. Now, did anybody explain --
21 strike that. Your outside general counsel
22 is Michael Levin; correct?
23 A. **That is correct.**
24 Q. And Mr. Levin typically

1 prosecutes lawsuits that are -- where the
2 PSBA is involved in a party; correct -- is
3 involved as a party; correct?
4 MR. BROWN: Objection.
5 BY MR. COHN:
6 Q. You can answer.
7 MR. BROWN: Go ahead, you can
8 answer, if you know.
9 THE WITNESS: I wouldn't know.
10 BY MR. COHN:
11 Q. Okay. Well, you are aware of
12 lawsuits that have been brought in the name
13 of PSBA while you've been on the governing
14 board; is that correct?
15 A. **Yes.**
16 Q. Are you aware of any instance
17 when a lawsuit was brought in the name of
18 PSBA where Mr. Levin was not PSBA's counsel
19 in court?
20 A. **I don't know.**
21 Q. Who would know the answer to
22 that? Is it Mr. Levin?
23 A. **I don't know, actually, if he**
24 **would even know if there were lawsuits t**

1 **he didn't -- didn't pursue.**

2 Q. Are you talking about the

3 lawsuit in 2016, when PSBA sued Governor

4 Wolf about school funding?

5 A. **Yes.**

6 Q. That was Mr. Levin; correct?

7 A. **I don't know.**

8 Q. Did anybody -- did you have

9 any conversations with anybody, other than

10 asking counsel for legal advice or getting

11 legal advice from counsel, as to why

12 Bochetto & Lentz was hired?

13 A. **I do not. I do not have any**

14 **information about that.**

15 Q. Nobody ever told you about

16 their nasty reputation?

17 MR. BROWN: Objection.

18 THE WITNESS: No.

19 BY MR. COHN:

20 Q. Okay. What did -- Are you

21 aware that you've sued Mr. Campbell here

22 seeking punitive damages?

23 A. **Yes.**

24 Q. Do you want to take away his

1 college money for his children?
2 MR. BROWN: Objection.
3 THE WITNESS: I don't know how
4 respond to that.
5 BY MR. COHN:
6 Q. Was it PSBA's serious
7 intention to pursue a claim for punitive
8 damages against Mr. Campbell?
9 A. **I'm sorry, but could you**
10 **clarify what you mean by serious.**
11 Q. Is PSBA serious about pursuing
12 a claim for punitive damages against Mr.
13 Campbell?
14 A. **Yes.**
15 Q. Is it still serious about
16 pursuing a claim against Mr. Campbell for
17 punitive damages?
18 A. **I can't speak on behalf of**
19 **PSBA.**
20 Q. Since the lawsuit was
21 authorized in June, have there been any
22 other votes taken by the governing board
23 with respect to the prosecution or
24 maintenance of the lawsuit against my

1 clients?

2 A. **We did a straw poll.**

3 Q. And When was that straw poll
4 taken?

5 A. **December.**

6 Q. And how is a straw poll
7 different from an ordinary vote on the
8 governing board?

9 A. **Straw poll is -- was done by
10 e-mail.**

11 MR. BROWN: Was this an e-mail
12 directed by counsel.

13 THE WITNESS: I don't know.
14 It might have been.

15 MR. COHN: Whether or not it's
16 directed by counsel, it's an action
17 of the governing board. The actions
18 of the governing board are not
19 privileged.

20 THE WITNESS: It wasn't an
21 action.

22 MR. BROWN: No, if it's done
23 at the direction of counsel, it would
24 be work product.

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1 BY MR. COHN:

2 Q. Who asked you to take a vote;
3 Mr. Mains?

4 A. **I don't recall.**

5 Q. What was the vote? Was it
6 unanimous to continue the lawsuit?

7 A. **I don't recall. But some of
8 the answers I think went directly to
9 somebody else. I'm not sure they shared
10 all of it with everybody.**

11 Q. What conversations did you
12 have at your school district about the
13 lawsuit after it was authorized?

14 A. **None. We were instructed not
15 to.**

16 Q. Did anybody at the school
17 district share any opinions with you about
18 the lawsuit?

19 A. **Some comments, I think, were
20 made.**

21 Q. By Mr. Fairchild?

22 A. **Yes.**

23 Q. Did he tell you that he was
24 happy about the lawsuit?

1 A. **No. He didn't comment**

2 **regarding his happiness or lack of.**

3 Q. What comments did he make
4 about the lawsuit?

5 A. **I'm trying to remember. I
6 believe I recall -- I believe he did say
7 that -- something to the effect that --
8 empathetic the fact that -- that I was named
9 in it.**

10 Q. You're saying, after Mr.
11 Campbell and PFUR filed this lawsuit, he
12 made statements to you?

13 A. **Yes.**

14 Q. Well, it didn't come as a
15 surprise that you were personally named, did
16 it?

17 A. **Yes.**

18 Q. You weren't warned?

19 A. **By whom?**

20 Q. By Mr. Campbell, by Mr.
21 Campbell's counsel?

22 A. **No, I was -- I don't recall
23 being warned.**

24 Q. Let's set a time frame here.

40

1 The lawsuit was filed in July, on July 17th;
2 correct?

3 A. **I know it was July. I don't
4 know the exact date.**

5 Q. And the Amended Complaint was
6 filed in December. Are you familiar with
7 this timeline?

8 A. **Yes.**

9 Q. And this lawsuit, the federal
10 lawsuit, was filed on February 28th of this
11 year. Are you familiar with that?

12 A. **Yes.**

13 Q. Okay. Between July and
14 February, were you provided by anybody at
15 PSBA with any of the correspondence between
16 counsel for my clients and counsel for the
17 PSBA?

18 A. **Yes.**

19 Q. Can you tell me what you were
20 provided? Were you provided with a copy of
21 the ACLU letter?

22 A. **Yes.**

23 Q. Were you provided with copies
24 of my letters?

1 A. **Yes.**

2 Q. Were you provided with copies
3 of my correspondence with Mr. Levin when he
4 made the settlement proposal in December?

5 A. **Yes.**

6 Q. Were you provided with my
7 response?

8 A. **Yes.**

9 Q. Did you read them?

10 A. **Yes.**

11 Q. Let's go through some things.

12 First of all, do you remember the blast
13 e-mail that Mr. Mains sent out in July
14 announcing the lawsuit?

15 A. **Yes.**

16 Q. And you read that at the time?

17 A. **I believe I did.**

18 Q. Did that e-mail accurately
19 summarize the lawsuit and its purpose?

20 A. **I don't recall.**

21 Q. Do you want to take a look at
22 it now?

23 A. **Okay.**

24 (Discussion held off the

1 A. **Yes, sir.**

2 Q. It discusses Mr. Main's May 7
3 -- I'm sorry, Mr. Campbell's May 7th, 2017
4 Right-to-Know Law request?

5 A. **Yes.**

6 Q. You weren't told, when you
7 voted to authorize a lawsuit, that you were
8 suing -- you were authorizing a lawsuit
9 against Mr. Campbell and PFUR for making
10 Right-to-Know Law requests; correct?

11 A. **I didn't say that that was not
12 something that was said. I don't recall.**

13 Q. Okay. Does looking at the
14 second paragraph of the May -- of the July
15 17 blast e-mail refresh your recollection any
16 further as to what was discussed with Mr.
17 Mains in May, or discussed with the
18 governing board in June about the reasons
19 for the lawsuit?

20 A. **The reasons for the lawsuit --**

21 MR. BROWN: Again, I instruct
22 you not to answer if these were
23 discussions made to you by the
24 counsel.

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1 record.)

2 BY MR. COHN:

3 Q. I'm going to show you what we
4 previously marked as Exhibit 61.

5 (Discussion held off the
6 record.)

7 BY MR. COHN:

8 Q. Well, here, this is an
9 identical copy of P-61. Why don't you take
10 a moment and why don't you read that?

11 (Discussion held off the
12 record.)

13 THE WITNESS: (Witness
14 reviewing document.)

15 BY MR. COHN:

16 Q. Does that refresh your
17 recollection as to the contents of that
18 e-mail?

19 A. **Yes, it does.**

20 Q. Thank you.

21 A. **There's been a lot of
22 correspondence.**

23 Q. So you see the second
24 paragraph there?

1 THE WITNESS: They were.

2 That's what I was -- my recollection
3 is that that portion of the
4 discussion was with counsel.

5 BY MR. COHN:

6 Q. Okay. Well, looking at
7 paragraph two, the second paragraph of the
8 July 17 e-mail --

9 A. **Uh-huh.**

10 Q. -- does this accurately
11 reflect the reasons for the lawsuit against
12 my clients?

13 A. **I think that it does not.**

14 Q. In what way?

15 A. **Well, because, first, I think
16 that the -- the other piece was, that's not
17 specified here, is the reputation damage
18 that was being done and the defamation of
19 PSBA.**

20 Q. Okay. That would be the
21 paragraph after that --

22 A. **Yes, that's why I said, it
23 wouldn't be just that second --**

24 Q. All right. So the second and

1 third paragraphs. So does that accurately
 2 reflect the reasons why PSBA was suing my
 3 clients?

4 **A. I believe so.**

5 Q. Does that accurately reflect
 6 your understanding of what you were
 7 approving the lawsuit to be when you voted
 8 to approve it in June?

9 **A. Yes.**

10 Q. Okay. Now, Mr. Campbell sent
 11 a lot of e-mails to you and to your school
 12 district afterward. Do you remember that?

13 **A. I recall receiving one e-mail
 14 from Mr. Campbell.**

15 Q. Okay. Well, we'll go through
 16 that.

17 When e-mails were received by
 18 Mr. Fairchild from Mr. Campbell asking that
 19 they be forwarded to the school board, did
 20 Mr. Fairchild typically, to your
 21 understanding, forward those e-mails to the
 22 school board?

23 MR. BROWN: I'm just going to
 24 object as to how she would know that.

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1 But go ahead, you can answer if you
 2 can.

3 THE WITNESS: Yes. I was
 4 going to say -- I'm trying to think
 5 if I really know that for a fact, and
 6 I don't want to give you false
 7 information. So I'm trying to think
 8 about that. I don't -- I really
 9 don't know.

10 BY MR. COHN:

11 Q. Well, let's start with an
 12 e-mail that we will mark as P-227, please.

13 MR. COHN: Is this 227 we're
 14 up to?

15 MR. ERIC ROSENBERG: Uh-huh.

16 MR. COHN: Thank you.

17 - - -

18 (Whereupon the document was
 19 marked, for identification purposes,
 20 as Exhibit Number P-227.)

21 - - -

22 BY MR. COHN:

23 Q. Please take your time and
 24 review that.

1 **A. (Complying with request.)**

2 Q. Do you recognize this e-mail?

3 **A. Yes, I do.**

4 Q. Is this an e-mail that you saw
 5 around the time it was sent?

6 **A. Yes.**

7 Q. Do you remember whether you
 8 received that from Mr. Fairchild?

9 **A. I don't know if it was sent
 10 directly to me or if I received it from Mr.
 11 Campbell, or whether Mr. Fairchild sent it,
 12 but I do recall seeing this e-mail.**

13 Q. Did you forward it to anybody?

14 **A. I don't recall.**

15 Q. Did you read any of the
 16 material cited? Did you read the Brentwood
 17 Academy case that he cited?

18 **A. I have.**

19 Q. Did you read it then?

20 **A. I don't recall when I read it.
 21 I don't know of -- I wouldn't think it was
 22 then.**

23 Q. Did you read the Butler Area
 24 School District resolution?

1 **Brentwood case, but I think it was actually**
 2 **at a different point in time.**

3 Q. All right. So what -- with
 4 whom within the Lewisburg School District
 5 did you discuss this e-mail, or the content
 6 of this e-mail?

7 A. **Mr. Fairchild.**

8 Q. What was your conversation
 9 with him?

10 A. **I said, my recollection on**
 11 **this was that he should check with our**
 12 **solicitor because that -- as to whether we**
 13 **need to do this, forward it.**

14 Q. Okay. Do you remember an
 15 e-mail from Mr. Mains to the governing board
 16 about the Butler Area School District
 17 resolution?

18 A. **No, I'm sorry, I do not.**

19 Q. 70. Let me get Exhibit P-70.
 20 This has previously been marked. I want you
 21 to take a look at that e-mail.

22 I know you're not a party to
 23 the --

24 A. **No, I have not seen the first**

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1 **two pages.**

2 Q. -- beginning, the first couple
 3 of e-mails. That's an e-mail chain between
 4 Mr. Mains and Ms. Foltz, but do you see the
 5 July 27th e-mail from Mr. Mains?

6 A. **Yes.**

7 Q. Is that an e-mail you recall
 8 receiving?

9 A. **Yes.**

10 Q. By the way, do you remember
 11 Mr. Hutchinson voicing concerns about
 12 proceeding with the lawsuit?

13 A. **No, I do not.**

14 Q. So you see the e-mail about
 15 Mr. Campbell and the Right-to-Know Law
 16 request and the friends on the board at
 17 Butler. You see that paragraph, right? In
 18 the e-mail from Mr. Mains?

19 A. **In here? This page.**

20 Q. Yes.

21 A. **Because you're on a different**
 22 **page, I think.**

23 Q. No, no. Right here
 24 (indicating).

1 A. **Oh, here. Okay. Yes. It**
 2 **looked different, so I -- Yes.**

3 Q. And you could see, he's
 4 e-mailing about substantially the same
 5 e-mail that Mr. Fairchild forwarded to you.
 6 Correct?

7 A. **Correct.**

8 Q. Now, did you have any
 9 conversations with anybody at PSBA, or
 10 within PSBA following the receipt of Mr.
 11 Mains' e-mail?

12 A. **Not that I recall.**

13 Q. If you look to the first
 14 e-mail, I know it wasn't sent to you, but
 15 you see Mr. Mains writing to Ms. Foltz:

16 Were you trying to release a
 17 bit more info, such as when Simon hacked a
 18 private secure drive and stole family videos
 19 to intimidate Emily, but are hesitant to try
 20 this case in public. We will amend the
 21 lawsuit for each thing. And he's saying,
 22 he says that is defamation of PSBA.

23 Do you see that?

24 A. **I do.**

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1 Q. Did you have any conversations
 2 with Nathan Mains about releasing more
 3 information?

4 A. **No, I did not.**

5 Q. Did you have any conversations
 6 with anybody at PSBA about releasing more
 7 information?

8 A. **No, I did not.**

9 Q. Did you have any conversations
 10 with anybody at PSBA about amending the
 11 Complaint prior to December?

12 A. **Not that I recall.**

13 Q. Give me those back, please.

14 A. **(Complying with request.)**

15 Q. Has the -- Has PSBA's lawsuit
 16 ever been on the agenda at a meeting of the
 17 Lewisburg Area School District?

18 A. **No.**

19 Q. Has it ever been the topic of
 20 discussion at any executive sessions of the
 21 Lewisburg School District?

22 A. **No. That wouldn't be an**
 23 **appropriate executive session item.**

24 Q. Are you aware that Mr.

1 Campbell and PFUR have communicated their
 2 intention to amend this Complaint to sue
 3 Lewisburg Area School District for ratifying
 4 your conduct?

A. Excuse me. Could you clarify?

Q. Read that question back,
 please. I think I like the way I phrased
 it.

(Whereupon, the court reporter
 read back the pertinent testimony.)

THE WITNESS: No.

BY MR. COHN:

Q. Mr. Fanelli has not shared my
 e-mail with you?

A. Not that I --

MR. BROWN: Objection. Don't
 answer discussions with Mr. Fanelli.

THE WITNESS: Yes, I wouldn't
 be able to answer.

Thank you. I'm bad at that.

BY MR. COHN:

Q. Do you know whether or not
 notice has been given to C.M. Regent
 Insurance Company of the claim that Mr.

1 concerning settlement of the claims against
 2 you personally?

3 MR. BROWN: Again, I'm going
 4 to object to any discussions that you
 5 had with Mike Levin or David Heim
 6 about any of these issues.

7 THE WITNESS: That's right. I
 8 have to be careful about that.

9 BY MR. COHN:

10 Q. Are you aware that you refused
 11 a consent to permit an insurance company to
 12 pay money to settle a lawsuit against you?

13 MR. BROWN: Objection.

14 BY MR. COHN:

15 Q. You can answer.

**A. Could you clarify your
 question, or repeat it?**

18 Q. Sure. Did you know that on
 19 March 27th Mike Levin communicated to me
 20 your absolute refusal to permit any
 21 insurance company to pay money to settle my
 22 client's claims against you personally?

**A. I don't know that I issued an
 absolute refusal of any kind, but I -- I --**

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 1 Campbell and PFUR are asserting against your
 2 school district for ratifying your actions
 3 on the PSBA governing board?

A. I have no --

MR. BROWN: Objection, but you
 can answer if you know.

THE WITNESS: I have no
 awareness.

BY MR. COHN:

Q. Are you aware of the
 spoliation letter that's been sent to Mr.
 Poirier?

A. No, I'm not.

Q. Did you -- Did you personally
 approve the Levin Law Firm to defend you
 personally in this lawsuit?

A. Yes.

Q. You were consulted about that?

A. Yes.

Q. Were you consulted about the
 involvement of Mr. Heim in this lawsuit?

A. Yes.

Q. Were you informed that he was
 going to be copied on communications

56
 1 **there's --**

2 MR. BROWN: Again, I'm going
 3 to instruct you not to answer --

4 THE WITNESS: Yeah.

5 MR. BROWN: -- or discuss
 6 anything that you discussed with
 7 Mike.

8 THE WITNESS: Yes. I keep --

9 BY MR. COHN:

10 Q. Is it your position that you
 11 refused to consent to permit an insurance
 12 company to pay money to my clients in order
 13 to get you out of this lawsuit?

A. Me personally?

15 Q. Yeah, you personally.

**A. I -- I -- I would say yes,
 that there was -- that I -- I did do that.**

18 Q. Okay. Is that still your
 19 position --

A. Yes, it is.

21 Q. -- that you refuse to allow
 22 anybody, to the extent you can, to pay money
 23 to get you personally out of this lawsuit?

24 MR. BROWN: Objection, but go

1 ahead. You can answer.

2 THE WITNESS: Yes.

3 MR. COHN: Okay. 228. 27 was
4 the last here. I need P-228, please.

5 - - -

6 (Whereupon the document was
7 marked, for identification purposes,
8 as Exhibit Number P-228.)

9 - - -

10 BY MR. COHN:

11 Q. P-228, do you recognize that?

12 A. **No, I do not.**

13 Q. As far as you know, you've
14 never seen this?

15 A. **That is correct.**

16 Q. Does Mr. Fairchild have any
17 instructions as to how he is to treat
18 e-mails that are sent to him that are
19 requested that they be sent on to other
20 people?

21 A. **Not -- not that I'm aware of.**

22 Q. Just to be clear, Mr.

23 Fairchild is, what? He's the business
24 manager?

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1 A. **He is the -- I think his title
2 is the -- the administrator of -- I can't
3 remember, but, yes, he serves as our
4 business manager.**

5 Q. What are his job functions?

6 A. **I really don't know, I'm
7 sorry. I can give you what my impression --
8 my impression of his functions.**

9 Q. Well, certainly --

10 A. **He operates the business
11 portion of the district.**

12 Q. Does he answer directly to the
13 superintendent?

14 A. **Yes.**

15 Q. Who is the superintendent?

16 A. **Steve Skalka.**

17 Q. And how long has he been the
18 superintendent?

19 A. **Since June.**

20 Q. Who was the predecessor
21 superintendent?

22 A. **Mark DiRocco.**

23 Q. How long was he the
24 superintendent?

1 A. **He was superintendent for 14
2 or 15 years.**

3 Q. I'm sorry, Steve's last name
4 again?

5 A. **Skalka, S-K-A-L-K-A.**

6 Q. Okay. Was he the assistant
7 superintendent before that?

8 A. **No.**

9 Q. This was an outside search for
10 a new superintendent?

11 A. **That is correct.**

12 Q. Who is the assistant
13 superintendent? Is there one?

14 A. **Yes.**

15 Q. And who is that?

16 A. **Cathy Moser.**

17 Q. And has Ms. Moser been the
18 assistant superintendent throughout the
19 relevant time here?

20 A. **Yes.**

21 Q. Going back to how far, do you
22 know?

23 A. **She was acting superintendent
24 while -- during our search period.**

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1 Q. And how long was she the
2 acting superintendent?

3 A. **From mid December of 2016
4 through June, this -- of 2017. About six
5 months.**

6 - - -

7 (Whereupon the document was
8 marked, for identification purposes,
9 as Exhibit Number P-229.)

10 - - -

11 MR. COHN: What are we up to,
12 229?

13 BY MR. COHN:

14 Q. Moving to 229, P-229. Let's
15 set that to the side. I'm done with that
16 for now. If you've never seen it, it's not
17 fair for me to question you too much about
18 it.

19 A. **Pardon me?**

20 Q. I said, if you've never seen
21 it, I don't have too many questions for you
22 about it.

23 The next document is Exhibit
24 P-229, which is a September 17th, 2017

1 e-mail from Mr. Campbell to Mr. Fairchild.
 2 Subject: RTKL Lewisburg Area School
 3 District.
 4 And my first question, after
 5 you've had a chance to review this, is
 6 whether or not you've seen this e-mail
 7 before.

**A. I have seen this e-mail
before. I did not read it.**

Q. Was this forwarded to you by
Mr. Fairchild?

A. Yes.

Q. By the way, this is Mr.
Fairchild's correct e-mail address on here,
is it not?

A. That is correct.

Q. So we can assume that
something that was sent to him was at least
received by him; correct?

**A. Unless the computer screws up.
We have computer problems at times.**

Q. All right. So you got this.
You didn't read this.

A. I scanned the pieces of it.

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Q. You sent it on to the PSBA?
A. I may have.
 Q. Did you speak to anybody about
it?

A. No, not that I recall.

Q. Were you aware that -- if you
look at the paragraph below the Petition For
Redress of Grievances heading, do you see
that?

A. Yes.

Q. There's a reference, it says,
the latest legal news is that on 9.12.17
PSBA asked that the Cumberland County
Courthouse to -- asked the Cumberland County
Courthouse to agree that they can publicize
their SLAPP, Strategic Litigation Against
Public Participation, suit in the newspaper.
Do you see that?

A. I do see that.

Q. Were you familiar at all with
the efforts to serve Mr. Campbell with the
Complaint?

**A. I do have some recollection of
that.**

Q. Who told you about it?
 MR. BROWN: I'm instructing
you not to answer if --
 THE WITNESS: I was going to
say, I believe that was Mike.
 BY MR. COHN:
 Okay, tell me something. How
many conversations did you have with Mike
Levin concerning this lawsuit? Without
telling me what they were, how many did you
have between July and December of 2017?
**A. I can't recall exactly, but
there were several.**
 Q. Typically you and he alone?
A. Not in -- In some cases.
 Q. Did he call you or you'd call
him?
A. I'd call him.
 Q. Because you had questions
about the lawsuit?
A. Uh-huh.
 Q. Okay. Did you -- what did --
what -- so you had an understanding that
there was a petition filed in the state

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court to have newspaper publication of the
service -- service of the Complaint upon Mr.
Campbell and PFUR; correct?

MR. BROWN: Objection. But
you can answer, if you understood the
question.

THE WITNESS: Well, I was
going to try -- I was trying to stop
and think because I believe that that
was information I did receive from
Mike as part of an update as to what
was going on, so... Yeah.

MR. BROWN: Same instruction.

BY MR. COHN:

Q. Did -- Did you know that Mr.
Heim falsely asserted in that petition that
Mr. Campbell was evading service?

MR. BROWN: Objection.

BY MR. COHN:

Q. You can answer that.

MR. BROWN: That's if you
understand the question.

THE WITNESS: I -- I would
have no knowledge of that.

1 BY MR. COHN:

2 Q. Did you ever see the petition
3 that was filed?

4 A. **I don't know. I'm not sure**
5 **what it looks like, but for reference --**

6 Q. Did you ever click on any of
7 the links to any -- of any of the e-mails
8 that Mr. Campbell sent to you or sent to Mr.
9 Fairchild?

10 A. **A few.**

11 Q. We'll get to that in the
12 appropriate time.

13 Did you know that Emily Leader
14 was -- knew in July that Mr. Campbell was
15 going to Europe to visit his family in
16 August, and that was why he was out of the
17 country?

18 A. **I would have no knowledge of**
19 **what Emily knew.**

20 Q. So here, for example, on this
21 one you see there's a link there to
22 publicize their strategic SLAPP suit, where
23 it says, PSBA asked the Cumberland County
24 courthouse to agree that they can publicize

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1 their SLAPP suit. Do you see that?

2 A. **I do.**

3 Q. Okay. Did you click on that
4 link?

5 A. **No.**

6 Q. That would have taken you to
7 the actual filing.

8 MR. COHN: Let's mark Exhibit
9 P-110.

10 - - -

11 (Whereupon the document was
12 marked, for identification purposes,
13 as Exhibit Number P-110.)

14 - - -

15 BY MR. COHN:

16 Q. Exhibit P-110 is the as filed
17 Motion For Leave to Provide Alternate --
18 Alternative Service Pursuant to PA.Civ.R.
19 430(a) that was filed on September 12 of
20 2017 by PSBA.

21 A. **You want me to read this, I**
22 **assume?**

23 Q. The question is, have you ever
24 seen this before?

1 A. **No, I have not.**

2 Q. Then I have no questions for
3 you about it.

4 Have I covered all the boards
5 that you serve on?

6 MR. BROWN: Objection, but go
7 ahead, you can answer, if you
8 understand.

9 THE WITNESS: I don't know.

10 BY MR. COHN:

11 Q. School Board, PSBA, Liquid
12 Asset Fund, Board of C.M. Regent. Are there
13 any other boards you serve on?

14 A. **Let me think a moment.**

15 **Yeah, I told you the**

16 **Pennsylvania Public Education Foundation.**

17 Q. Right.

18 A. **I also serve on the Board of**
19 **Directors for the PSBA Insurance Trust.**

20 Q. Is that a remunerative
21 position?

22 A. **No.**

23 Q. And the Insurance Trust is the
24 -- is the collective insurance buying entity

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1 that buys insurance on behalf of a lot of
2 the school boards; is that right?

3 A. **No.**

4 Q. No?

5 A. **No, we have -- That's not**
6 **correct.**

7 Q. So tell me what the Insurance
8 Trust is.

9 A. **We have -- It's the remaining**
10 **pieces that were not purchased by C.M.**
11 **Regent. So it's like student accident**
12 **insurance and that kind of thing.**

13 Q. Okay. Well, your school
14 district gets insurance and one piece of it
15 is issued by C.M. Regent, and another piece
16 of it comes with a Memorandum of Insurance
17 for the Insurance Trust. Are you familiar
18 with that?

19 A. **The -- Yes.**

20 Q. Okay. Is that the same
21 Insurance Trust where -- that you serve on
22 the Board of?

23 A. **Yes.**

24 Q. So there is -- Something

1 having to do with -- with -- getting
 2 insurance for a collection of school
 3 districts, is one of the functions that your
 4 -- your Insurance Trust engages in still; is
 5 that correct?

6 **A. I don't know. I'm not very**
 7 **familiar with that aspect of what you're**
 8 **talking about. Like I said, we have**
 9 **insurance that we provide and sell to**
 10 **insurance -- to school districts.**

11 MR. COHN: P-230.
 12 - - -

13 (Whereupon the document was
 14 marked, for identification purposes,
 15 as Exhibit Number P-230.)
 16 - - -

17 (Discussion held off the
 18 record.)

19 BY MR. COHN:

20 Q. This is Exhibit P-230,
 21 September 22nd e-mail from Mr. Campbell to
 22 Mr. Fairchild. Subject: Correcting PSBA's
 23 Guidance.

24 And the first question I have

70

1 is whether or not this is an e-mail that you
 2 have seen.

3 **A. I'm not sure if I've ever seen**
 4 **this or not, to be honest.**

5 Q. Do you know whether or not Mr.
 6 Fairchild was ever given any instruction
 7 within your school district as to how to
 8 handle e-mails that were received from Mr.
 9 Campbell or from PFUR?

10 MR. BROWN: Objection. But
 11 you can answer, if you know.

12 THE WITNESS: Just that he
 13 should check with his -- our
 14 solicitor on anything he has a
 15 question about with any e-mail.

16 BY MR. COHN:

17 Q. As far as you know though,
 18 there were no standing instructions as to
 19 how he was to handle Mr. Campbell's e-mails?

20 **A. Oh, no. No.**

21 MR. COHN: 231.
 22 - - -

23 (Whereupon the document was
 24 marked, for identification purposes,

1 as Exhibit Number P-231.)

2 - - -

3 BY MR. COHN:

4 Q. This is a Friday, October 13,
 5 2017 e-mail from Mr. Campbell to Mr.
 6 Fairchild. And it's headed, Subject: PSBA
 7 lawsuit attorney letters.

8 Is this an e-mail you've seen
 9 before?

10 **A. Not that I recall.**

11 Q. It references a number of
 12 things. This is October 13th. Let's look
 13 at some of the things that he attached links
 14 to.

15 - - -

16 (Whereupon the document was
 17 marked, for identification purposes,
 18 as Exhibit Number P-64.)

19 - - -

20 BY MR. COHN:

21 Q. So this is Exhibit P-64, Mr.
 22 Heim's July 19th letter to Mr. Campbell and
 23 Pennsylvanians For Reunion Reform.

24 (Discussion held off the

72

1 record.)

2 BY MR. COHN:

3 Q. Is this a letter that you've
 4 seen?

5 **A. I cannot recall. I may have.**

6 Q. Okay. Looking at it doesn't
 7 refresh your recollection as to whether or
 8 not you've seen this before?

9 **A. No, it does not.**

10 Q. Okay.

11 **A. Because I may have received it**
 12 **and not read it, so that's why I'm unsure.**

13 Q. Okay.

14 (Discussion held off the
 15 record.)

16 - - -

17 (Whereupon the document was
 18 marked, for identification purposes,
 19 as Exhibit Number P-113.)

20 - - -

21 BY MR. COHN:

22 Q. P-113. This is my October 12,
 23 2017 letter to Mr. Heim, responding to his
 24 July 19 letter that we just looked at to Mr.

1 Campbell.

2 Do you remember seeing that
3 e-mail?

4 A. **I do not recall seeing --**

5 Q. You never saw this letter?

6 A. **No, I didn't say -- I don't
7 recall if I've seen it.**

8 Q. Do you remember hearing
9 anything about the content of this letter?

10 MR. BROWN: And I'll instruct
11 you not to discuss what you may have
12 been advised by Mr. Heim or Mr.
13 Levin.

14 THE WITNESS: I'm sorry.

15 Could you repeat the question?

16 BY MR. COHN:

17 Q. Do you remember hearing
18 anything about the content of this letter?

19 A. **Not that I recall.**

20 Q. Did anybody let you know that
21 this letter advised Mr. Heim that a lawsuit
22 against you was being contemplated?

23 MR. BROWN: Same instruction,
24 don't answer what was discussed with

1 learned of each one.

2 Q. We'll keep on going through
3 this chronologically. Then maybe it will
4 help you out.

5 A. **Thank you.**

6 Q. By the way, do you remember
7 your district receiving a letter from Mr.
8 Campbell's counsel -- personal counsel in
9 the Cumberland County case?

10 A. **No, I do not.**

11 Q. Do you know whether or not
12 your district has ever instituted a
13 litigation hold with respect to information
14 concerning Mr. Campbell, or the interactions
15 between the District and the PSBA?

16 A. **Yes, I do recall something
17 about that.**

18 Q. When do you --

19 MR. BROWN: I'll instruct you
20 not to discuss any conversations you
21 may have had with your solicitor.

22 THE WITNESS: Right. That's
23 right. That might have been from
24 that. I don't know for sure.

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1 the counsel.

2 THE WITNESS: I don't recall
3 that.

4 BY MR. COHN:

5 Q. Do you see the last page? It
6 says, "Also, please let the 10 government
7 official PSBA directors know that Simon
8 contemplates suing them in their personal
9 capacities on the assumption that each of
10 them voted in favor of filing the SLAPP
11 suit." Do you see that?

12 A. **I do.**

13 Q. When is the first time you
14 became aware that Simon Campbell and PFUR
15 were thinking about suing you?

16 A. **Suing us --**

17 Q. Suing you.

18 A. **Oh, suing me personally?**

19 Q. Yes.

20 A. **I don't recall because I don't
21 -- I don't think -- there's so much
22 information in all of this stuff that -- and
23 so many different kinds of threats and
24 things, that it's hard to distinguish when I**

1 BY MR. COHN:

2 Q. When do you remember hearing
3 about a litigation hold for the District?

4 A. **I don't recall.**

5 (Discussion held off the
6 record.)

7 - - -

8 (Whereupon the document was
9 marked, for identification purposes,
10 as Exhibit Number P-85.)

11 - - -

12 BY MR. COHN:

13 Q. P-85 is a letter from the
14 Nauman Smith Law Firm, dated October 16,
15 2017, signed by Joshua D. Bonn, B-O-N-N.

16 A. **I remember the information
17 about this from our solicitor, now that I
18 see it.**

19 Q. So you remember hearing about
20 this letter?

21 A. **No, I just remember
22 information about this topic from our
23 solicitor.**

24 MR. BROWN: Again, I'll

1 instruct you not to discuss what
2 conversations you had with your
3 solicitor.

4 THE WITNESS: Okay.

5 BY MR. COHN:

6 Q. Do you remember -- does seeing
7 this date of October 16 refresh your
8 recollection as to the time period in which
9 you would have had that kind of discussion
10 with your solicitor?

11 A. **No. To be honest, my father
12 was having a heart surgery during this time
13 and I wasn't fully engaged in this type of
14 activity.**

15 Q. Do you know whether the
16 Lewisburg Area School District instituted a
17 litigation hold in October, 2017?

18 A. **I don't know exactly when in
19 October, but I know that there was a
20 litigation hold instituted.**

21 Q. That was last fall, not this
22 spring?

23 A. **(No response.)**

24 Q. That was last fall, Not this

78
1 spring?

2 A. **As far as I can recall.**

3 Q. Do you know whether the
4 District has an established litigation hold
5 protocol?

6 A. **Yes.**

7 Q. Is it in writing?

8 A. **Yes.**

9 Q. Okay. Do you know -- Are you
10 familiar with its -- with its provisions?

11 A. **I have familiarity with it.**

12 Q. Can you tell me what your
13 understanding is of those protocols?

14 A. **When --**

15 MR. BROWN: Objection, but you
16 can answer, if you know.

17 THE WITNESS: Yeah. My
18 recollection, we have a policy on
19 this. And that it's outlined in the
20 policy that if a litigation hold is
21 requested, that notice be sent out to
22 all persons who might have
23 information regarding that topic.

24 BY MR. COHN:

1 Q. Do you know whether or not
2 there are any instructions given to the IT
3 Department?

4 I take it that Lewisburg has
5 an IT department?

6 A. **We have a person.**

7 Q. Does the litigation hold
8 protocol include giving instructions to that
9 person?

10 A. **I don't recall if it
11 specifically does.**

12 Q. Okay. Then I guess we can
13 make a Right-To-Know Law request of it for
14 the protocol.

15 A. **It's right online, you don't
16 even have to.**

17 Q. Okay. Thank you.

18 A. **Certainly.**

19 Q. Were you involved in any
20 deliberations within PSBA about whether or
21 not to provide the information that was
22 requested in the plaintiff's statewide
23 Right-to-Know Law request of May of 2017?

24 A. **Repeat the question.**

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1 Q. You know that the lawsuit, the
2 underlying lawsuit here sues Mr. Campbell
3 and PFUR --

4 A. **Right.**

5 Q. For making a request in May of
6 2017; right?

7 A. **Correct.**

8 Q. And you know that in
9 particular the lawsuit sues PFUR and Mr.
10 Campbell for asking for information through
11 the districts that is financial information
12 of PSBA. You know that; correct?

13 A. **I am familiar with that.**

14 Q. Were you party to any
15 discussion within PSBA about whether to
16 provide the requested information to the
17 school districts to provide to Mr. Campbell?

18 A. **No.**

19 (Discussion held off the
20 record.)

21 - - -

22 (Whereupon the document was
23 marked, for identification purposes,
as Exhibit Number P-232.)

1 - - -
 2 BY MR. COHN:

3 Q. P-232 is an October 14, 2017
 4 e-mail from Mr. Campbell. Subject:
 5 Verifying your individual actions re PSBA
 6 SLAPP. And it's to the governing board
 7 members.

8 (Discussion held off the
 9 record.)

10 BY MR. COHN:

11 Q. That was P-232.

12 And, Ms. Swope, we'll take a
 13 break in 10 minutes, if that works for you,
 14 while they change the media.

15 A. **That will be perfect, thank
 16 you.**

17 Q. This is an October 14th e-mail
 18 that notices -- that shows that it was sent
 19 to you. Was this received by you?

20 A. **Let me continue to read and
 21 see if I can recall.**

22 (Reading document.)

23 Yes, it was.

24 Q. Do you remember receiving it

82

1 and reading it?

2 A. **I do.**

3 Q. Did you forward it on to the
 4 PSBA?

5 A. **I may have.**

6 Q. You see that Mr. Campbell is
 7 writing to you in your capacity as a
 8 Lewisburg Area School District Director.
 9 You see that?

10 A. **Yes.**

11 Q. And he writes, "It is my
 12 presumption that all of you as individual
 13 government officers, the people who
 14 constitute 10 of PSBA's 11 board directors,
 15 conspired to approve the lawsuit that PSBA
 16 filed against me on July 17, 2017 in the
 17 Cumberland County Court of Common Pleas. If
 18 this presumption for any of you is
 19 incorrect, promptly respond in writing to
 20 that effect, explicitly condemning PSBA'S
 21 litigious action." You see that?

22 A. **I do.**

23 Q. And you did not respond to
 24 that, did you?

1 A. **Well, it would not be
 2 appropriate to respond during a lawsuit.**
 3 Q. And attached to that is my
 4 letter of October 12th, 2017. Do you see
 5 that?
 6 A. **That's the same letter that is
 7 over here, is it?**

8 Q. It is.

9 A. **Okay.**

10 Q. It is. Is the -- You don't
 11 remember clicking on any link or reading
 12 anything on this, do you?

13 A. **No.**

14 Q. Okay. And you didn't respond
 15 -- Strike that.

16 Did you discuss this e-mail
 17 with anybody at PSBA?

18 MR. BROWN: Same instruction,
 19 not to discuss what you discussed
 20 with counsel.

21 THE WITNESS: Yeah, not that I
 22 can recall.

23 BY MR. COHN:

24 Q. Did you send this to your

84

1 school board solicitor?

2 A. **I would not have, no.**

3 Q. Even though it was written to
 4 you as -- as a school board member?
 5 MR. BROWN: Objection. But
 6 you can answer if you understand the
 7 question.

8 THE WITNESS: It didn't
 9 involve my school district.

10 BY MR. COHN:

11 Q. That's what you determined by
 12 yourself, right?

13 A. **That is correct.**

14 Q. You determined that without
 15 seeking the solicitor's input. Correct?

16 MR. BROWN: Objection to any
 17 extent that you discussed it with
 18 counsel.

19 MR. COHN: She said she
 20 didn't.

21 THE WITNESS: That I can
 22 recall.

23 BY MR. COHN:

24 Q. Okay. Is this the kind of

1 thing, when -- when you get a letter --
 2 Strike that. All right.
 3 By the way, with respect to my
 4 letter to Mr. Heim, was it your testimony
 5 you don't remember whether or not you ever
 6 saw that?

7 **A. Yes, I don't recall seeing
8 that.**

9 - - -
 10 (Whereupon the document was
 11 marked, for identification purposes,
 12 as Exhibit Number P-233.)

13 - - -
 14 BY MR. COHN:

15 Q. P-233 is an October 17, 2017
 16 e-mail from Mr. Campbell to Mr. Fairchild.
 17 Subject: PSBA's Amazing Self Destruction.

18 Again, my question to you is
 19 whether or not you've seen it, P-233.

20 VIDEO TECHNICIAN: There's
 21 about five minutes left.

22 THE WITNESS: I recall seeing
 23 this, but again, I didn't read the
 24 whole thing at that time. There's

1 you meet with anybody?

2 **A. We had met with counsel.**

3 Q. Who's "we"?

4 **A. Not we. I.**

5 Q. When was that?

6 THE WITNESS: Do I have to
 7 discuss that?

8 MR. BROWN: You can tell him
 9 when we met.

10 THE WITNESS: Yes. We -- we
 11 talked by phone, David and I,
 12 yesterday. And Mike Levin and I
 13 talked a couple of weeks ago.

14 MR. BROWN: Don't discuss the
 15 content, just when.

16 THE WITNESS: Yeah.

17 BY MR. COHN:

18 Q. Did you review any documents
 19 to prepare for this deposition?

20 **A. No, I did not. I was not
21 asked to do that.**

22 Q. Okay. If you turn to the
 23 second page of this e-mail, you see there's
 24 a sentence that starts, "Bullies are

86 parts of this I don't remember.

2 BY MR. COHN:

3 Q. Have you ever read it before
 4 today?

5 **A. I read parts of it. In its
6 entirety, no, not till today.**

7 Q. Did Mr. Fairchild forward this
 8 to you around the time that he received it?

9 **A. I believe he did.**

10 Q. So you scanned it and didn't
 11 read it thoroughly at that time?

12 **A. That is correct.**

13 Q. That's the only time you've
 14 seen it until today?

15 **A. No, I probably -- I think I
16 probably forwarded it -- saw it when I
17 forwarded it to -- We were asked to provide
18 everything.**

19 Q. Okay. What did you do to
 20 prepare for your deposition today?

21 **A. In terms of?**

22 Q. Preparing. I know you drove
 23 here. Did you do anything other than drive
 24 here? Did you review any documents? Did

88 bullies?"

2 **A. I see it, yes.**

3 Q. He writes, "No more playing
 4 games. Lewisburg Area SD is not neutral for
 5 as long as it is silent about the
 6 misappropriation of membership dues to file
 7 a SLAPP. It is time for Lewisburg Area
 8 School District to belatedly pass the
 9 resolution. I request a copy be sent to me
 10 and PSBA, please. Everyone also needs to be
 11 on the phone telling CEO Nathan Mains to
 12 withdraw his SLAPP and issue a public
 13 apology to me." Do you see that?

14 **A. I do.**

15 Q. Do you remember seeing that at
 16 the time?

17 **A. Yes.**

18 Q. Did you have any discussion
 19 within the Lewisburg School District about
 20 Mr. Campbell's request that a resolution be
 21 passed condemning the lawsuit?

22 **A. No.**

23 Q. Did you have any discussion
 24 with anybody within Lewisburg Area School

1 District about condemning the lawsuit?

2 A. **I did not.**

3 Q. Where did the money come from
4 to pay the lawyers that were pursuing the
5 lawsuit?

6 MR. BROWN: Objection.

7 BY MR. COHN:

8 Q. From PSBA's funds?

9 A. **I'm sorry, you lost me a**
little bit there.

11 Q. PSBA was --

12 A. **We were talking about the**
District and you're changing gears. Okay.

14 Q. I'm changing gears to PSBA,
15 because he's writing that he doesn't like
16 the idea that PSBA -- that the district
17 money is being used by PSBA to pay for the
18 lawsuit.

19 A. **Okay. Where does PSBA's money**
come from?

21 A. **There are several sources.**

22 Q. And the vast majority of it
23 comes from the school districts; correct?

24 MR. BROWN: Objection, but you

90

1 can answer, if you know.

2 THE WITNESS: It comes -- we
3 also have non-dues revenue as well.

4 BY MR. COHN:

5 Q. Is that kept in a segregated
6 account?

7 A. **I don't know how the**
accounting is kept.

9 Q. Is there any basis for Mr.
10 Mains to say that segregated money from
11 non-school district sources is what's being
12 used to pay for the lawsuit?

13 A. **I can't say what Nathan should**
say or not say. I don't know.

15 Q. Just before this e-mail on
16 October 16th was the second blast e-mail
17 that Mr. Mains sent out to the PSBA members
18 about this lawsuit. Do you remember that?

19 MR. BROWN: Objection to the
20 form, but go ahead.

21 THE WITNESS: No, I would not
22 have known that if you had not told
23 me.

24 BY MR. COHN:

1 Q. Okay. Well, you know what,

2 let's take a break, we could change the
3 media and then we'll take a look at Mr.
4 Mains' October 16th last e-mail that had the
5 link to the underlying Complaint.

6 VIDEO TECHNICIAN: The time is
7 now 10:31 a.m.

8 We are off the video record.
9 This ends media unit number one.

10 (Whereupon there was a recess
11 in the proceedings.)

12 VIDEO TECHNICIAN: The time is
13 now 10:45 a.m. We're back on the
14 video record. This begins media unit
15 number two.

16 THE WITNESS: Before we get
17 started, I have to correct something
18 on the record.

19 BY MR. COHN:

20 Q. Okay.

21 A. **You asked about all the boards**
I serve on. I also serve on the Board of
the Green Dragon Foundation.

24 Q. Which is what?

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1 A. **That is our school district**
foundation that provides -- supports the
districts by fundraising for different
things in the district.

5 Q. I take it that's a volunteer
6 position?

7 A. **Yes, it is.**

8 Q. Green Dragons, is that the
9 mascot?

10 A. **It is indeed.**

11 Q. It's better than a Hilltopper.
12 Westmont Hilltoppers, that's where I'm from.

13 A. **They could have done better.**

14 Q. That's where I'm from,
15 although I did notice that they were one of
16 the founding school districts of the liquid
17 asset fund.

18 A. **There you go.**

19 Q. I'm placing before you Exhibit
20 P-88, which was previously marked. This is
21 Mr. Mains' blast e-mail of October 16th. I
22 ask you to take a moment to review it. And
23 my first question to you will be whether or
24 not you have seen this before.

1 **A. Yes, I have.**

2 **Q.** And did you see it before it
3 was sent?

4 **A. No.**

5 **Q.** Were you involved in any
6 discussion about whether this should be sent
7 and what it should say?

8 **A. No, I was not.**

9 **Q.** So you became aware of it
10 after it was sent?

11 **A. Right.**

12 **Q.** You'll see in here, this is
13 the one where he -- where Mr. Mains includes
14 a link to an unfiled version of the
15 underlying Complaint. Do --

16 **A. Yes.**

17 **Q.** -- you see that?

18 Were you aware that he was
19 doing that?

20 **A. Not in advance.**

21 **Q.** Did you have any discussions
22 with anybody about this e-mail?

23 **A. Not that I can recall.**

24 **Q.** Any discussions with anybody

94

1 about the wisdom, or lack of wisdom of
2 disseminating a copy of the Complaint?

3 **A. No.**

4 **Q.** Are you aware of when the
5 lawsuit was actually served on Mr. Campbell?

6 **A. I knew there was repeated
7 attempts and there was a delay in -- but I
8 don't remember how long.**

9 **Q.** Was there any discussion -- I
10 will represent to you that Mr. Campbell
11 received mail copies of the Complaint on
12 October 20th. The lawsuit was filed on July
13 17th. Was there any discussion, with that
14 time frame in mind, within PSBA of whether
15 or not to actually follow through with
16 serving the Complaint?

17 MR. BROWN: Again, I'll

18 instruct you not to answer what was
19 discussed by counsel, Heim or Levin.

20 THE WITNESS: There -- there

21 -- Not that I can recall.

22 BY MR. COHN:

23 **Q.** So there was no discussion at
24 all, whether or not it was with counsel, as

1 -- that you can recall, regarding whether or
2 not to serve the lawsuit after it was filed
3 and before it was actually served?

4 **A. I'm sorry, could you -- I
5 didn't understand your question.**

6 **Q.** I'm just clarifying. You have
7 no recollection of there being any
8 discussion within PSBA of the -- of whether
9 or not to carry forward with serving the
10 lawsuit before it was actually served.

11 **A. You mean in the time period
12 where it was -- the suit was filed, but the
13 service had not occurred.**

14 **Q.** All right. Let me back it up.

15 **A. Sorry.**

16 **Q.** So, the suit was filed, the
17 sheriff was sent out. The sheriff couldn't
18 find Simon because he was in England and
19 Europe, and they returned no service.

20 You're aware of those facts?

21 **A. Yes.**

22 **Q.** And then there was -- there
23 was an attempt to serve Mr. Campbell by
24 other means than sending the sheriff to his

96

1 house.

2 **A. Correct.**

3 **Q.** Were there -- and am I correct
4 that you're not aware of any discussions in
5 -- from the time period that began after
6 sheriff service was -- was unsuccessful and
7 before he was actually served with whether
8 or not to cease efforts to serve Mr.
9 Campbell?

10 **A. Definitely not. There were no
11 -- no such that I was part of.**

12 **Q.** And no discussion about
13 dismissing the lawsuit prior to its being
14 served?

15 **A. Not that I can recall.**

16 **Q.** And going back to 233, I read
17 to you that Mr. Mains was -- I'm sorry, Mr.
18 Campbell was trying to get everybody to tell
19 Mr. Mains to withdraw his SLAPP and issue a
20 public apology. You are not --

21 **A. Everybody was trying to tell
22 him to do that?**

23 **Q.** No, my point is --

24 **A. That's not correct.**

1 Q. No. Let me read this then to
2 you again, so we're all on the same page.

3 This is what Mr. Campbell
4 wrote the day after Mr. Mains' blast e-mail.

5 A. **Is that this one?**

6 Q. Yes. You can pull that back
7 out in front of you.

8 A. **Thank you.**

9 Q. And when you get to right here
10 (indicating) --

11 A. **Yep.**

12 Q. -- he says, "I request a copy
13 be sent to me in PSBA, please." And the
14 next sentence, everyone needs -- also needs
15 to be on the phone telling CEO Nathan Mains
16 to withdraw his SLAPP and issue a public
17 apology to me.

18 And do you see that's what --

19 What --

20 A. **I do see it says that, yep.**

21 Q. And you're saying there was no
22 discussion around that time frame, of which
23 you are aware, of PSBA's doing so; correct?

24 A. **Doing?**

1 Q. Pulling back the lawsuit and
2 --

3 A. **No.**

4 Q. -- apologizing to Mr.
5 Campbell?

6 A. **There was no discussion to do
7 that.**

8 Q. Are you aware that at that
9 point in time this lawsuit could have been
10 settled before withdrawing the claim and
11 making an apology?

12 MR. BROWN: Objection, but you
13 can answer, if you know.

14 THE WITNESS: If I did know
15 that, it would have been through
16 counsel. So I don't think I should
17 answer.

18 BY MR. COHN:

19 Q. PSBA was not interested in
20 pulling back the lawsuit at that time;
21 correct?

22 MR. BROWN: Objection.

23 THE WITNESS: I cannot speak
24 for PSBA, I can only speak for

1 myself. I was not interested in
2 withdrawing.

3 BY MR. COHN:

4 Q. And you're not interested
5 today, are you?

6 A. **I am not.**

7 Q. Okay. It's going to take a
8 federal court to issue an injunction before
9 you'll appreciate that this lawsuit needs to
10 be dismissed; correct?

11 MR. BROWN: Objection. You
12 can answer.

13 THE WITNESS: Repeat the
14 question. I want to make sure I
15 understood it.

16 BY MR. COHN:

17 Q. I'm just making it clear that
18 you have no current intention, if the issue
19 -- Strike that.

20 January 2018, January 1, you
21 have a new governing board with three
22 members leaving the board and three members
23 joining the board; correct?

24 A. **Correct.**

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1 Q. And you guys refer to that as
2 the 2018 governing board?

3 A. **That is correct.**

4 Q. Last year was the 2017
5 governing board?

6 A. **Correct.**

7 Q. And seven of the ten
8 individual defendants in this lawsuit are
9 carryovers from the 2017 governing board;
10 correct?

11 A. **That is correct.**

12 Q. And then who are the three new
13 ones?

14 A. **The new ones would be -- Take
15 a moment here.**

16 Q. Is Mr. Kerek a new one?

17 A. **Yes, Mr. Kerek.**

18 **Names are always the things
19 that get away from me.**

20 **Our new treasurer -- blanking
21 on his name. And then somebody else was new
22 as well.**

23 Q. Stacy Thompson, right?

24 A. **Yes.**

1 Q. Why did Stacy Thompson resign?
 2 A. I don't -- I don't know
 3 **Stacy's reason. She gave us a letter that**
4 she had a lot of things going on in her life
5 that were very difficult. She lost her
6 husband recently.

7 Q. In 2018, has there been any
 8 consideration by the governing board of
 9 discontinuing the state court lawsuit?

10 A. **In 2018.**

11 MR. BROWN: Instruct you not
 12 to answer --

13 THE WITNESS: I'm thinking --
 14 I think that the only conversation we
 15 had, that Mike was with us in
 16 discussing it in executive session
 17 with our solicitor.

18 BY MR. COHN:

19 Q. I don't understand. The
 20 governing board has a solicitor separate and
 21 apart from --

22 A. **Mike Levin was with us.**

23 Q. -- Mike Levin?

24 A. **No, he was with us.**

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 1 Q. Okay. And when did that
 2 meeting take place?
 3 A. **I believe that would have been**
4 in January. And then we had -- I guess that
5 was -- I don't know if we had another board
6 meeting after -- yeah, we did have another
7 board meeting after that. I don't remember
8 when the last one was.

9 Q. Was it before or after the
 10 federal lawsuit was commenced on February
 11 28th?

12 A. **It was -- That would have been**
13 after the last one, I believe.

14 Q. You're saying that there has
 15 been no governing board meeting since
 16 February -- since before February 28th of
 17 2018?

18 A. **No, I didn't say that. I said**
19 that there has been -- Our next meeting is
20 in June and we -- and there was one, and I
21 couldn't remember. I think it was in April.

22 Q. Okay. Was the subject of the
 23 federal lawsuit on the agenda?

24 A. **It was not on the agenda, as**

1 **far as I can recall.**

2 Q. Was it discussed?

3 THE WITNESS: Since it was
 4 with our solicitor, am I allowed to
 5 answer that?

6 MR. BROWN: He's asking, was
 7 the subject discussed.

8 BY MR. COHN:

9 Q. I'm asking you about the
 10 subject. Was the subject of the federal
 11 court lawsuit discussed?

12 A. **Yes, I believe so.**

13 Q. Was the subject of the state
 14 court lawsuit discussed?

15 A. **I believe it was all discussed**
16 as one content.

17 Q. Were they discussed in an
 18 executive session with the presence of
 19 counsel?

20 A. **That is correct.**

21 Q. With the physical presence of
 22 counsel?

23 A. **Yes, sir.**

24 Q. Where did the -- Where did

1 this meeting take place?

2 A. **PSBA headquarters.**

3 Q. Where did the January meeting
 4 take place?

5 A. **It was not at PSBA**
6 headquarters, I don't think. We were in
7 Hershey -- Hershey, because it was part of
8 the -- something else. Yeah.

9 Q. At the April meeting, did
 10 anybody -- Strike that, are your governing
 11 board meetings run according to a protocol?

12 A. **When you say -- you mean like**
13 Robert's Rules?

14 Q. Yes, exactly what I mean.

15 A. **Yes.**

16 Q. Do you use Robert's Rules of
 17 Order as the guide to the way that these
 18 meetings are conducted?

19 A. **I'm not sure what -- what is**
20 our governing document as to which --
21 whether it's Robert's or something else, but
22 it's that -- it's parliamentary procedure.

23 Q. Any governing board director
 24 can make a motion at a governing board

1 Complaint that didn't exist yet. You know
2 what, we'll get to it.

3 **A. No, I thought there was a**
4 **reference to -- or you made a reference**
5 **verbally to our individual districts.**

6 Q. There was. There was. And
7 we'll get to that. I'll show you a document
8 that you may or may not have seen when we
9 get to it. Okay?

10 A. **Okay.**

11 Q. Moving along with P-233?

12 MR. ERIC ROSENBERG: 234.

13 - - -

14 (Whereupon the document was
15 marked, for identification purposes,
16 as Exhibit Number P-234.)

17 - - -

18 MR. COHN: P-234, David.

19 MR. BROWN: Thank you.

20 THE WITNESS: What happens
21 when we run out of alphabet letters?

22 MR. COHN: Well, the Ps are
23 always, and I don't think we're going
24 to run out of any other numbers.

1 Q. Have you ever seen my letter
2 to Mr. Heim?

3 **A. Is that the one you showed me**
4 **earlier here?**

5 Q. No. It's the one that -- this
6 is P-113.

7 A. **Okay.**

8 Q. Let me give you P-113, Ms.
9 Swope. It's marked P-113, which is my
10 October 12, 2017 letter.

11 MR. COHN: No, this is the
12 wrong letter. Stop. Hold on. I
13 need the October 17 letter, or
14 October 16.

15 (Discussion held off the
16 record.)

17 - - -

18 BY MR. COHN:

19 Q. All right. Well, we will get
20 back to it.

21 Was there any discussion
22 within PSBA about the reaction to Mr. Mains
23 having sent a link to the copy of the
24 underlying Complaint to 4500 people?

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1 (Discussion held off the
2 record.)

3 BY MR. COHN:

4 Q. Again, this is a Saturday,
5 October 2, 2017 e-mail from Mr. Campbell to
6 Mr. Fairchild. Subject: Dirty PSBA e-mail
7 sparks new Campbell attorney demands.

8 Again, my question is, did you
9 ever see this e-mail before?

10 A. **I have seen this.**

11 Q. Did you see it at or around
12 the time that it was sent?

13 A. **Yes.**

14 Q. Did you review it thoroughly?

15 A. **I'm sorry. Could you repeat**
16 **the question?**

17 Q. Did you review this e-mail
18 thoroughly when you received it?

19 A. **No, I did not.**

20 Q. Did you click on the e-mail
21 link to the letter that I had sent to Mr.
22 Heim?

23 A. **No, I don't believe I clicked**
24 **on any of the links.**

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1 MR. BROWN: Objection, but you
2 can answer, if you can.

3 THE WITNESS: No, not that I'm
4 aware of.

5 BY MR. COHN:

6 Q. Have you ever seen the
7 underlying Complaint?

8 A. **Yes.**

9 Q. When's the first time you
10 looked at it?

11 A. **I don't recall exactly when,**
12 **but at some point I read the Complaint.**

13 Q. Well, in what context?

14 Well, let me back up. Your
15 lawyers have admitted for you that you
16 didn't see the Complaint before it was
17 filed. Do you agree with this?

18 A. **That's correct.**

19 Q. How long after the original
20 Complaint was filed did you first review it?

21 A. **I don't know, because**
22 **sometimes when I receive an e-mail -- I get**
23 **over a hundred e-mails a day. So to back**
24 **up, sometimes -- I sometimes don't get**

1 **caught up for a couple of days, or even a
2 week or two.**

3 Q. Was there something that
4 triggered your filing -- I'm sorry, your
5 reading of the Complaint?

6 A. **Not that I can recall.**

7 Q. Why don't we mark this then?
8 MR. COHN: This is Exhibit
9 P-106. Eric, make me a sticker,
10 please.

11 - - -

12 (Whereupon the document was
13 marked, for identification purposes,
14 as Exhibit Number 106.)

15 - - -

16 THE WITNESS: My recollection,
17 it would have been about the time not
18 long after I received a copy because
19 I would have been anxious to read
20 that.

21 BY MR. COHN:

22 Q. This is the initial Complaint.

23 A. **Uh-huh.**

24 Q. So your under -- your belief

1 turn then to paragraph --

2 A. **Give me a page first.**

3 Q. Sure. Page seven.

4 A. **Uh-huh.**

5 Q. You See paragraph 25,
6 "Campbell has even gone so far as to
7 personally target PSBA staff members by
8 mentioning them by name in his videos he
9 posts online."

10 A. **Uh-huh.**

11 Q. Did I read that correctly?

12 A. **Yes, you did.**

13 Q. Paragraph 26. "In one bizarre
14 instance Campbell apparently searched for
15 and captured a personal family video of a
16 PSBA staff member, which included young
17 children." Do you see that?

18 A. **I do.**

19 Q. You read all this at the time;
20 right?

21 A. **I did.**

22 Q. Okay. Paragraph 27.

23 "Campbell then included hyperlinks to the
24 video in an e-mail on which he was copying

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1 is that you would have reviewed this
2 Complaint some time --

3 A. **When it first became available
4 to me, within a few -- within a week or two.**

5 Q. So July of 2017, within a week
6 or two of its having been filed, it would
7 have been sent to you and you would have
8 read it. That's your testimony?

9 A. **That's my belief, yes.**

10 Q. Okay. Did you read it
11 thoroughly?

12 A. **Yes.**

13 Q. Was it consistent with what
14 you thought you had authorized to be filed?

15 A. **Yes.**

16 Q. Were you aware that it accused
17 Mr. Campbell of committing crimes?

18 MR. BROWN: Objection.

19 Please --

20 THE WITNESS: I don't think I
21 would have that kind of an awareness,
22 not knowing the law.

23 BY MR. COHN:

24 Q. Well, okay. Let's -- let's

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1 the PSBA staff member whose family was
2 depicted on the video." You see that?

3 A. **I do.**

4 Q. Did you ever talk to Emily
5 Leader about this?

6 A. **No, I did not.**

7 Q. What did you hear from anybody
8 about this situation?

9 A. **I heard --**

10 MR. BROWN: Again, I'll
11 instruct you not to answer what you
12 were told about this issue by
13 counsel.

14 THE WITNESS: Okay. Let me
15 thank you for reminding me because I
16 have to think about that in trying to
17 distinguish -- I believe that -- that
18 I had heard -- I'm trying to think
19 where I even had heard that. No, I
20 think that was in the -- that was in
21 the discussion with counsel.

22 BY MR. COHN:

23 Q. Okay.

24 A. **So, yeah. No. I'm sorry.**

1 Q. All right. So paragraph 28.
 2 A. Uh-huh. **This was clearly done**
3 to intimidate the PSBA staff member. And
4 when combined with the rest of Campbell's
5 conduct, such conduct -- the conduct
6 constitutes a violation of Pennsylvania's
7 harassment and stalking statutes, pursuant
8 to 18 PA CSA Section 2709, 18 PA CSA Section
9 2709.1a.

10 A. Uh-huh.

11 Q. And you read that at the time;
 12 right?

13 A. Yes.

14 Q. And you understood that he was
 15 been accused of engaging in criminal conduct
 16 from this, didn't you?

17 A. No, I did not know it was a
 18 criminal -- that harassment was a criminal
 19 crime.

20 Q. You didn't know that
 21 harassment and stalking are crimes in
 22 Pennsylvania?

23 A. I didn't know it was --
 24 whether it was criminal or a misdemeanor or

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1 whatever, yes, sir.

2 Q. Well, just for your future
 3 reference, any time you see an 18 in front
 4 of the PA CSA, that's the a Criminal Code of
 5 Pennsylvania.

6 A. Oh.

7 Q. And Mr. Heim went out of his
 8 way to put this in there. Can you tell
 9 me --

10 MR. BROWN: Objection.

11 BY MR. COHN:

12 Q. -- what this has at all to do
 13 with the causes of action that are being
 14 asserted against Mr. Campbell in this
 15 lawsuit?

16 A. I don't think I'm the best one
 17 to answer that question.

18 Q. Okay. You've read this and
 19 you understand what you authorized a lawsuit
 20 against.

21 A. Yes.

22 Q. Can you explain to me what
 23 relevance you understood this to have to the
 24 lawsuit and the causes of action for which

1 PSBA was suing Mr. Campbell?
 2 MR. BROWN: Objection.
 3 THE WITNESS: It would be
 4 conjectural on my part, and I
 5 wouldn't want to do that in this
 6 case.

7 BY MR. COHN:

8 Q. Could it be because PSBA
 9 intentionally hired extra nasty counsel?

10 MR. BROWN: Objection.
 11 THE WITNESS: No, I don't
 12 think that's correct.

13 BY MR. COHN:

14 Q. Did you ever do any research
 15 into Mr. Bochetto's law firm?

16 A. No, sir.

17 Q. Okay. So you're not aware of
 18 the legal decisions that talk about his --
 19 their potentially unethical conduct, are
 20 you?

21 MR. BROWN: Objection.

22 BY MR. COHN:

23 Q. Well, we could put it in the
 24 record. If you've never heard of it, I

1 don't need to mark the case.

2 MR. COHN: You know it's a
 3 Third Circuit decision. I'm sure
 4 you're aware of it.

5 All right. What are we up to,
 6 P-235. We're back in time here for a
 7 minute. Actually, we go forward in
 8 time here for a minute.

9 - - -

10 (Whereupon the document was
 11 marked, for identification purposes,
 12 as Exhibit Number P-235.)

13 - - -

14 BY MR. COHN:

15 Q. P-235 is my letter to David
 16 Heim, dated October 17, 2017.

17 (Discussion held off the
 18 record.)

19 MR. COHN: By the way,
 20 Counsel, is this still a live link?

21 It was as of Friday.

22 MR. BROWN: I'm not sure. I
 23 know there were efforts being made to
 24 make it not live. As of this moment,

1 I can't say for certain.

2 BY MR. COHN:

3 Q. Have you ever seen this letter
4 before?

5 A. **No, but it could be in --**
6 **There's a cache of documents that was**
accessible that I did not access.

7 Q. Including this letter that you
8 could have clicked through from the -- Mr.
9 Campbell's October 17 e-mail?

10 A. **Correct. I would assume it's**
in there. I have no idea.

11 Q. You are aware that because of
12 this letter PSBA made -- put its insurance
13 companies on notice of a claim by Mr.
14 Campbell?

15 A. **I know that -- that we put**
them on notice. I don't know the impetus
for that.

16 Q. Were you involved in any
17 discussions with anybody about whether or
18 not to disable the link in Mr. Mains'
19 October 16 blast e-mail to the draft
20 Complaint?

21 A. **No, I have not been involved**
in any conversations regarding that.

22 Q. Are you aware that there is a
23 -- that if you click on Mr. Mains' -- the
24 link in Mr. Mains' October 16, 2017 e-mail,
you were led to an exact, but unfiled copy
of the Complaint that we're reviewing right
now? Are you aware of that?

25 A. **Your letter indicates that,**
so I am. Other than that, I would not have
been aware.

26 Q. Do you approve of Mr. Mains
27 sending a link to a copy of the Complaint
28 accusing Mr. Campbell of being a criminal to
29 4500 individuals?

30 MR. BROWN: Objection.

31 BY MR. COHN:

32 Q. You can answer.

33 A. **I actually don't see it the**
way that you see it. We are very big about
transparency. So I see it as being
transparent to our membership.

34 Q. Okay. Did you review any of
35 the exhibits to this Complaint when you

1 received it?

2 A. **I believe I did.**

3 Q. Did you review the exhibits
4 prior to this being filed?

5 A. **No. Some of the -- wait, let**
me clarify that.

6 **A number of the things that**
were listed I may have seen. I don't know
offhand which ones or how many.

7 Q. Turning to paragraph 19 of the
8 Complaint.

9 A. **Page six?**

10 Q. Page five.

11 Do you see the image of Mr.
12 Mains? It's not a very good reproduction,
13 but do you see that?

14 A. **Yes, I do.**

15 Q. Did you ever visit
16 PAUnionReform.org's Web site prior to the
17 filing of this lawsuit?

18 A. **Yes.**

19 Q. And did you review the
20 PSBAhorror page?

21 A. **Some things on it, yes.**

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1 Q. Did you review the Mains
2 photograph with the word bubble?

3 A. **Yes, there was -- It didn't**
look like this, the one I recall seeing
though.

4 Q. Okay. But it was in the
5 context of other content on that page.
6 Correct?

7 A. **Correct.**

8 Q. Do you remember what the
9 content of that page was?

10 A. **I remember that across the top**
there were a number of different links to
different things to do with PSBA,
PSBAhorrors, and all that kind of stuff.

11 **I remember that this had a --**
like the -- it had like F'ing.

12 Q. It had symbols that were not a
13 word. Correct?

14 A. **No, it inferred fucking.**

15 Q. That's what you inferred from
16 it. Correct?

17 A. **I think anybody would infer**
that, yes, but certainly did.

1 Q. Okay. And that's a word that
2 you in American English inferred. Correct?
3 A. Yes.
4 Q. When did you first become
5 aware that Mr. Campbell was British?
6 A. I think an early e-mail that
7 he sent, I clicked on a -- I think it was
8 the first video he sent out. I clicked to
9 see what you would put in a video that has
10 to do with the Right-to-Know.
11 Q. Is it fair to say that the
12 content of PSBAhorror and PS -- and you also
13 visited the PSBA Investigation --
14 Investigate PSBA Web page of Union Reform?
15 A. I don't specifically recall
16 that, or what was on there. I may have.
17 Q. Do you remember the content of
18 what you reviewed as being generally
19 critical of PSBA?
20 A. Yes.
21 Q. And generally critical of PSBA
22 employees' receipt of public pension?
23 A. Yes.
24 Q. And generally being critical

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1 of PSBA's guidance to school districts as to
2 how to respond to Mr. Campbell's
3 Right-to-Know Law requests?
4 A. I don't recall seeing that. I
5 recall seeing a really, really disgusting
6 video that was very inappropriate to do with
7 wanking.
8 Q. Do you have an understanding
9 of the various definitions and usages of the
10 word wanker and wanking in British English?
11 A. I certainly -- from that
12 video, they made pretty clear references to
13 semen and such, I think I got the idea.
14 Q. Okay. That's the secret
15 wanker meeting video that he posted after
16 the lawsuit was filed?
17 A. Yes.
18 Q. That was a comedy sketch?
19 A. Yes, but it was portrayed as
20 us. And I clicked on it and I said, how did
21 they get a video of us.
22 Q. And nobody could obviously
23 believe that that would be you; correct?
24 A. No. I said, wait a minute,

1 this isn't us, but I don't know if anybody
2 else who knew that wasn't us.
3 Q. It's a parody. You know what
4 a parody is; correct?
5 A. I do know what a parody is.
6 Q. Okay. You know you're suing
7 him over parodies, right?
8 MR. BROWN: Objection.
9 BY MR. COHN:
10 Q. You can answer it.
11 A. I know that -- that the way
12 the PSBA was portrayed was part of our
13 concerns.
14 Q. Okay. In parodies?
15 MR. BROWN: Objection.
16 THE WITNESS: I won't call it
17 that because I don't agree.
18 BY MR. COHN:
19 Q. Prior to the filing of this
20 lawsuit, of the underlying lawsuit, did you
21 bear personal animus towards Mr. Campbell?
22 A. No.
23 Q. Do you currently bear personal
24 animus towards Mr. Campbell?

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1 A. No, I do not. I don't even
2 know Mr. Campbell.
3 Q. But you sued him for punitive
4 damages; right?
5 MR. BROWN: Objection.
6 THE WITNESS: The -- I
7 participated and agreed to the
8 lawsuit, yes.
9 BY MR. COHN:
10 Q. All right. Let's take a look
11 at Mr. Heim's response to me, to my October
12 17 letter, which is P-235.
13 MR. COHN: Are we at P-236?
14 Is that this letter?
15 - - -
16 (Whereupon the document was
17 marked, for identification purposes,
18 as Exhibit Number P-236.)
19 - - -
20 BY MR. COHN:
21 Q. P-236 is Mr. Heim's letter
22 back to me.
23 A. Uh-huh.
24 Q. My first question to you will

1 be if you have ever seen this letter before.
 2 A. **I believe I have.**
 3 Q. In what context have you
 4 reviewed this letter?
 5 A. **I believe it was that we've**
 6 **been -- we, as in the defendants, have been**
 7 **kept up-to-date with the correspondence.**
 8 **And I think it was sent to me in that sense.**
 9 Q. Back in November?
 10 A. **Yes.**
 11 Q. See the last paragraph, Mr.
 12 Heim writes, "Finally, threats of civil
 13 rights claims based on state action
 14 accomplished nothing and have no plausible
 15 basis in law or fact. Neither the nature of
 16 voluntary membership at PSBA, a private
 17 corporation, nor the nature of the services
 18 PSBA members have the option of purchasing
 19 could possibly support the assertion that
 20 PSBA is a state actor legally capable of
 21 violating federal constitutional rights."
 22 Do you see that?
 23 A. **I do.**
 24 Q. Now, as part of your being

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1 kept up-to-date on what's going on in this
 2 lawsuit, have you been sent the briefs that
 3 have been filed before Judge Dubois?
 4 A. **Could you be specific as to**
 5 **what they -- what they reference?**
 6 Q. Let's talk about the two
 7 Motions that are currently pending before
 8 Judge Dubois. There is a motion to dismiss
 9 the lawsuit, to which there is an opposition
 10 brief. Have you been provided with those?
 11 A. **Yes, I've seen both.**
 12 Q. Have you read those?
 13 A. **Yes, I have.**
 14 Q. There is a Motion for the
 15 entry of a permanent injunction. There is
 16 an opposition. And there is a reply brief
 17 to that. Have you been given those?
 18 A. **I believe so.**
 19 Q. Have you read those?
 20 A. **Yes.**
 21 Q. And you still consent to Mr.
 22 Heim's involvement behind the scene of the
 23 defense of the federal court action?
 24 MR. BROWN: Objection.

1 THE WITNESS: I'm not sure
 2 what you mean.
 3 BY MR. COHN:
 4 Q. Are you aware of the extent to
 5 which Mr. Heim has been writing the briefs
 6 that are being filed on your behalf?
 7 MR. BROWN: Objection.
 8 THE WITNESS: I would have no
 9 awareness of that.
 10 BY MR. COHN:
 11 Q. Have you been consulted,
 12 without going into any -- any detail with
 13 respect to the positions that are being
 14 taken on your behalf in the federal court
 15 action?
 16 A. **Positions regard -- Could you**
 17 **clarify what you mean?**
 18 Q. Legal positions, arguments.
 19 Are you being consulted -- have you been
 20 consulted, prior to the filing of any of
 21 these briefs, as to the positions that are
 22 being taken in this lawsuit on your behalf?
 23 MR. BROWN: I'm going to
 24 object. This is getting into

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1 attorney/client privilege, what was
 2 discussed with her.
 3 MR. COHN: I'm asking whether
 4 --
 5 MR. BROWN: So I'm going to
 6 instruct her not to answer.
 7 MR. COHN: I'm asking -- I'm
 8 asking you temporally, because it's
 9 obvious to me that she wasn't
 10 consulted because that's why you're
 11 taking positions in the lawsuit that
 12 are exposing her to punitive damages.
 13 And I just want to know whether,
 14 before you took those positions in
 15 the lawsuit, in the papers that you
 16 filed, whether or not -- without
 17 getting into anything, whether or not
 18 she has been consulted whatsoever as
 19 to whether -- with respect to
 20 positions that are being taken on her
 21 behalf in advance of their being
 22 taken.
 23 MR. BROWN: No, I still think
 24 this is -- this is getting into

1 attorney/client privilege. I'm
2 instructing her not to answer.

3 MR. COHN: All right. You're
4 on the record; I'm on the record.

5 MR. BROWN: Okay.

6 BY MR. COHN:

7 Q. So, interestingly, this letter
8 is filed -- sent on November 2nd of 2017.
9 You see that?

10 A. **I do.**

11 Q. That's about two weeks after
12 the PSBA received a letter from the ACLU;
13 correct?

14 A. **I don't know the date of the
15 letter from the ACLU, but I have seen that.**

16 Q. Have you, in your experience
17 as a school board director, or as a director
18 of PSBA, come to know anything about the
19 ACLU?

20 A. **Yes.**

21 Q. What do you understand that
22 they do?

23 A. **I think it would be boring for
24 me to sit and go through everything I know**

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about that.

2 Q. Do you understand them to
3 pursue the defense of people's
4 constitutional rights and fundamental
5 liberties?

6 A. **I know that that is what they
7 try to do.**

8 Q. Okay. Do you know them to be
9 a serious organization?

10 MR. BROWN: Objection.

11 BY MR. COHN:

12 Q. You can answer.

13 A. **In my personal opinion, or
14 whose opinion?**

15 Q. Your opinion.

16 A. **Serious, I guess the
17 definition. How do you define serious?**

18 Q. If they give you something and
19 they purport to tell you what the
20 constitutional law is, is it something that
21 you would look at seriously if it's coming
22 from the ACLU?

23 A. **No differently than any other
24 legal matter, legal source.**

1 Q. Okay, you don't think the
2 ACLU, in particular, knows what they're
3 talking about when it comes to the First
4 Amendment?

5 MR. BROWN: Objection.

6 THE WITNESS: I don't think
7 that's what I said. If that's what
8 you took, I didn't mean that. I said
9 --

10 BY MR. COHN:

11 Q. Would you agree with me that
12 the first -- that the ACLU, in particular,
13 knows what they're talking about when it
14 comes to the First Amendment, as opposed to
15 other general lawyers involved in the
16 practice of law?

17 A. **Well, there's constitutional
18 lawyers. I think that they would be on
19 equal footing, in my personal opinion, with
20 the ACLU.**

21 Q. Are you aware that Mr. Heim
22 holds himself out as having expertise in
23 constitutional law?

24 A. **No, I'm not.**

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1 Q. Have you ever looked at his
2 Web site?

3 A. **No.**

4 Q. Ever looked at his bio?

5 A. **No.**

6 Q. That's been previously marked.

7 This is Exhibit 112, which has been
8 previously marked. Let's take it out of
9 your file here. I take it you've seen this
10 letter before; correct?

11 A. **Yes.**

12 Q. It was provided to you around
13 the time that it was received by Mr. Heim;
14 is that correct?

15 A. **I don't recall exactly when.**

16 Q. How did it come to your
17 attention?

18 A. **I don't recall if it was an
19 e-mail or something at the board meeting or
20 something -- I don't recall, I'm sorry.**

21 Q. Did you, when you received
22 this, have any discussions with Mr. Mains
23 about it outside of the board meeting?

24 A. **I think he told me that the**

1 **letter was received.**

2 Q. Did you know about it
3 before --

4 A. **I don't know because I believe**
5 **Mr. Campbell sent something to the school**
6 **districts that also reference that, but I**
7 **don't remember the timeline.**

8 Q. Well, let's go back to our
9 handy-dandy timeline here.

10 - - -

11 (Whereupon the document was
12 marked, for identification purposes,
13 as Exhibit Number P-222.)

14 - - -

15 MR. COHN: This is 222, P-222,
16 which I don't think has previously
17 been marked.

18 MR. BROWN: Thank you.

19 (Discussion held off the
20 record.)

21 BY MR. COHN:

22 Q. P-222, ma'am, is an e-mail
23 from Mr. Campbell to Mr. Fairchild.

24 A. **Uh-huh.**

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1 Q. Subject: ACLU arrives with a
2 message for PSBA, forwarded from Mr.
3 Fairchild to you, forwarded from you to Mr.
4 Mains --

5 A. **Uh-huh.**

6 Q. -- and forwarded from Mr.
7 Mains to Mr. Levin, Mr. Heim, Mr. Dade, Ms.
8 Leader, Ms. Fitz-Patrick.

9 A. **Okay.**

10 Q. Does this refresh your
11 recollection as to the first time you saw
12 the ACLU letter?

13 A. **Yes, sir. It would have been**
14 **here.**

15 Q. You would have clicked on Mr.
16 Campbell's link and looked at the letter?

17 A. **Correct.**

18 Q. And you recall doing that now?
19 This refreshes your recollection?

20 A. **I don't remember specifically,**
21 **but that's my -- to the best of my**
22 **knowledge.**

23 Q. Okay. And did you read this
24 e-mail from Mr. Campbell carefully?

1 A. **I can't say that I read it**
2 **carefully. I read it.**

3 Q. Did you read the part where it
4 says, "Neutrality does not work"?

5 A. **I'd have to refresh my memory**
6 **to see.**

7 (Reviewing document.)

8 Yes, I do remember that.

9 BY MR. COHN:

10 Q. Did you have any discussion
11 within the school district about whether or
12 not Lewisburg should take a position with
13 respect to the lawsuit, and with respect to
14 the resolution that Mr. Campbell was asking
15 be passed?

16 MR. BROWN: And again, I'll
17 instruct you not to discuss what you
18 discussed with counsel for the school
19 district.

20 THE WITNESS: Yeah, that would
21 have been discussed with our
22 solicitor.

23 BY MR. COHN:

24 Q. Well, let's back up. Did you

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1 have conversations with your solicitor about
2 that issue?

3 A. **I did not directly have a**
4 **conversation with my solicitor. But I -- I**
5 **would share the information that I think was**
6 **on a -- possibly on an e-mail.**

7 Q. Are you saying you forwarded
8 information to Mr. Fanelli?

9 A. **No. I said that -- I did not**
10 **say that.**

11 Q. I don't understand your answer
12 then. Let's take this a step at a time.
13 Was there ever any discussion at any meeting
14 of any school board directors of Lewisburg
15 Area School District --

16 A. **No, there was not.**

17 Q. Let me finish -- let me finish
18 the question.

19 A. **Correct. Sorry.**

20 Q. I've got to finish the
21 question or I don't --

22 A. **Right. That's my mistake.**

23 Q. -- have a record of my
24 question.

1 **A. I understand. I apologize.**
 2 **Q. -- concerning whether or not**
 3 Lewisburg Area School District should take a
 4 public position with respect to the lawsuit
 5 by PSBA against Mr. Campbell and PFUR?

6 **A. No, there was not.**

7 **Q. Was there ever any discussion**
 8 between you and the superintendent, or any
 9 of the other staff of PSBA, outside of the
 10 hearing or participation of Mr. Fanelli,
 11 about whether or not Lewisburg should take a
 12 position with regard to the lawsuit?

13 **A. I believe that -- I'm trying**
 14 **to remember the exact -- who was there. So**
 15 **give me a second to just conjure that up.**

16 **No, I think there was an**
 17 **e-mail with Mr. Fanelli that I was copied**
 18 **on.**

19 **Q. An e-mail from Mr. Fairchild,**
 20 **or --**

21 **A. Yes.**

22 **Q. -- to Mr. Fanelli?**

23 **A. Correct.**

24 **Q. Transmitting this e-mail and**

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 1 perhaps having some additional words in
 2 there that you're not going to tell me
 3 about; correct?

4 **A. Correct.**

5 **Q. Okay.**

6 **THE WITNESS: Was I allowed to**
 7 say that? Okay.

8 **MR. BROWN: That's fine.**

9 **THE WITNESS: All right.**

10 BY MR. COHN:

11 **Q. And other than that, you're**
 12 unaware of any discussion or consultation
 13 with Mr. Fanelli by anybody associated with
 14 Lewisburg about Mr. Campbell's demand that
 15 Lewisburg pass a resolution?

16 **A. I'm not aware. It doesn't**
 17 **mean it didn't occur.**

18 **Q. And you're not aware of any**
 19 discussion within the Lewisburg School
 20 District about whether or not you should
 21 continue to authorize the school -- the
 22 lawsuit as a governing board director;
 23 correct?

24 **A. My -- my --**

1 **MR. BROWN: This is --**
 2 **THE WITNESS: Sorry.**
 3 **MR. BROWN: Once again, just**
 4 you can't discuss what was discussed
 5 with Mr. Fanelli.

6 **THE WITNESS: Correct.**

7 **MR. BROWN: Otherwise, go**
 8 ahead.

9 **THE WITNESS: Yes. So, could**
 10 **you restate your question? I'm**
 11 **sorry.**

12 BY MR. COHN:

13 **Q. Well, aside from any**
 14 conversations with Mr. Fanelli, or involving
 15 Mr. Fanelli, has there ever been any
 16 discussion at the school district, your home
 17 school district, about whether you, as a
 18 governing board director, should continue to
 19 approve of the continuation of the lawsuit
 20 against Mr. Campbell and PFUR?

21 **A. No, there has not been.**

22 **Q. And there has been no**
 23 discussion, am I correct, within the
 24 Lewisburg School District as to whether or

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1 not Lewisburg School District should
 2 terminate its membership in the PSBA in
 3 order to remove you as a director of PSBA;
 4 correct?

5 **A. That is correct.**

6 **Q. Am I correct that you have no**
 7 current intention of raising either of those
 8 issues with the Lewisburg School District in
 9 your capacity as the president of the school
 10 board; is that correct?

11 **MR. BROWN: Objection. You**
 12 can answer.

13 **THE WITNESS: Okay. My role**
 14 on the PSBA Board has nothing to do
 15 with my role on my local board.

16 BY MR. COHN:

17 **Q. That's your position, or**
 18 that's what you've been taught by Mr. Levin
 19 and his training?

20 **MR. BROWN: Objection.**

21 BY MR. COHN:

22 **Q. Or is that both?**

23 **A. No, that's my own opinion.**

24 **I'm the one that raised that issue**

1 **initially.**

2 Q. Okay. So I just want to be
3 clear here. You are familiar with the
4 bylaws?

5 A. **I am.**

6 Q. The PSBA bylaws. And you are
7 not a member of PSBA. You are a derivative
8 member of PSBA; correct?

9 A. **That's correct.**

10 Q. And you are only a derivative
11 member because the school district of which
12 you are the President of the Board elects to
13 be a member of the school -- of the PSBA;
14 correct?

15 A. **That is correct.**

16 Q. Okay. And at any point in
17 time they could cause your removal from the
18 governing board of PSBA by terminating their
19 membership in PSBA; correct?

20 A. **That is incorrect.**

21 Q. That is incorrect. What is
22 your basis for saying that?

23 A. **The bylaws.**

24 Q. Well, let's get the bylaws

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1 out, as we did with Mr. Knade. And you can
2 show me where in the bylaws there is an
3 exception to your disappearing from the
4 governing board upon the resignation of your
5 home district as a member.

6 You show me where, as the
7 immediate past president, you can still be
8 on the board if your home district is not a
9 member. This is P-98. So let's take a look
10 at this.

11 - - -

12 (Whereupon the document was
13 marked, for identification purposes,
14 as Exhibit Number P-98.)

15 - - -

16 MR. BROWN: I've got it.

17 Thank you.

18 BY MR. COHN:

19 Q. Let's take a look at the
20 governing board. Let's take a look at
21 Section 4.

22 A. **I would take you to page**
23 **number 6, section 3 --**

24 Q. Right.

1 A. **Number A --**

2 Q. Right.

3 A. **Whereas it says that -- I'll**
pick up in the middle of the sentence.

5 Q. Well, I don't think it's
6 correct to start in the middle.

7 A. **All right. I shall begin at**
the beginning.

9 **"Any individual member under**
10 **Article 1, Section 2, Subsections A and B is**
11 **eligible to hold an office or other elected**
12 **position in the association so long as**
13 **membership status continues, provided,**
14 **however, that a person who was a member when**
15 **elected president, who stood to assume the**
16 **presidency by virtue of having been elected**
17 **president-elect in accordance with this**
18 **article, and has served as president-elect,**
19 **shall be entitled to serve the full term of**
20 **president regardless of the fact that such**
21 **person may cease to be a member of the board**
22 **of the entity from which the individual**
23 **membership derived."** And then that has
24 **continued on to the immediate past president**

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1 **as well.**

2 Q. Okay. And I see where your
3 status as a derivative member of a voting
4 member ceasing does not cause your removal.
5 But I'm asking that Mr. Knade, as the
6 30(b)(6) designee of PSBA, could not show me
7 where in the bylaws it provides that even if
8 your member entity from which you previously
9 derive that status resigns, you get to stay
10 on the board.

11 Can you show me where that
12 provides it? I read this as being precisely
13 the opposite, and Mr. Knade could not show
14 me where I was wrong.

15 A. **I'm sorry. Oh, you mean if**
16 **the -- I'm sorry, I don't think I understand**
17 **your question.**

18 Q. As I understand what you just
19 read, the fact that you may no longer be the
20 -- you resigned from the Lewisburg School
21 board, but you could still continue to be
22 the immediate past president. That's what I
23 understand what you just read to me. Okay.
24 And I understand that. But what I don't

1 understand is how, when the membership
 2 member, the entity voting member, resigns
 3 you can still be the -- on the board as a
 4 past president, when, even though you've
 5 left the board of Lewisburg, Lewisburg has
 6 ceased to be a member.

7 **A. I believe that those of us who**
 8 **are past presidents are members of the Past**
 9 **President Honor Society, or whatever. So**
 10 **it's listed under that, I believe. I could**
 11 **try to find that for you. It's just special**
 12 **because of that.**

13 Q. I understand. But when we
 14 look at 4A, "A vacancy shall occur on the
 15 governing board when (2) the entity
 16 represented by the members ceases to be a
 17 member of the association." I understand
 18 how you can have derivative status, and then
 19 not be a derivative member because you
 20 ceased to be a director. But what I don't
 21 understand, or what I don't see in these
 22 bylaws is how, if Lewisburg chooses to quit,
 23 you do not evaporate from the governing
 24 board because there's no longer an entity

1 **understanding.**

2 Q. All right. Well, I don't want
 3 to argue with you because I already have
 4 contrary testi -- contrary binding testimony
 5 from your organization.

6 **A. My understanding is what I'm**
 7 **giving you.**

8 Q. Okay. And my understanding,
 9 and the understanding testified to by the
 10 PSBA is that if your home district quits, it
 11 takes you off of the governing board.

12 Now, with that understanding,
 13 would that be -- now that you know that that
 14 is the concession that PSBA has already
 15 made, have you had any discussions with --
 16 you've had no discussions with the board,
 17 with your school board about the potential
 18 implications of your continued service on
 19 the governing board, right?

20 **A. No.**

21 Q. Then if the school board can
 22 vote you out of existence as a director of
 23 the governing board by quitting its
 24 membership, you're still -- it is still your

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1 member from -- with which you have or had
 2 any association.

3 **A. Well, it goes to the same item**
 4 **because if I was no longer a member of my**
 5 **board, I would still be on there.**

6 Q. Yes.

7 **A. So, since I don't represent**
 8 **Lewisburg on there, it doesn't matter.**

9 Q. So that's -- you think you
 10 have an exception that applies only to you
 11 and to none of the other voting governing
 12 board members if they're -- Let me back up
 13 here.

14 So anybody that's not a past
 15 president, you agree if their school board
 16 quits, they vanish from the governing board
 17 as a matter of course?

18 **A. No. I think once you're**
 19 **elected president-elect, you go through the**
 20 **three seats, regardless. That was my**
 21 **understanding.**

22 Q. Even if your entity member
 23 quits?

24 **A. That has been my**

1 position that in no circumstance can the
 2 school board have any responsibility for
 3 anything that you do as a governing board
 4 member; correct?

5 **A. That is correct.**

6 Q. So if you decided that you
 7 wanted to vote, along with a bunch of other
 8 people, to reconstitute the PSBA as a white
 9 supremacist organization and to discriminate
 10 against black people, then you could do that
 11 without any -- without any repercussions to
 12 your home school district; correct? That's
 13 your testimony?

14 MR. BROWN: Objection.

15 THE WITNESS: I'm not going to
 16 comment on things that are crazy.

17 BY MR. COHN:

18 Q. Is violating people's
 19 constitutional rights crazy?

20 **A. I don't believe we've done**
 21 **that.**

22 Q. And if you're wrong, is
 23 violating somebody's constitutional rights
 24 what you would consider to be crazy?

1 A. **That would be conjecture on my
2 part.**

3 MR. BROWN: Objection.

4 BY MR. COHN:

5 Q. But you think it's absolutely
6 obvious that being a white supremacist
7 organization and banning black people would
8 be unconstitutional; right?

9 A. **Certainly.**

10 Q. Okay. And if you did
11 something like that, it wouldn't surprise
12 you if there were repercussions, legal
13 repercussions, for your home board, would
14 it?

15 MR. BROWN: Objection. Go
16 ahead, you can answer.

17 THE WITNESS: I -- I'm not
18 sure that there would be legal
19 repercussions. I don't know enough
20 about the law to ascertain that.

21 BY MR. COHN:

22 Q. Are you familiar with the
23 concept of ratifying somebody's actions?

24 A. **Yes.**

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1 Q. Have you ever discussed with
2 anybody within the Lewisburg School District
3 whether or not they might have consequences
4 for ratifying your action as a school board
5 -- I'm sorry, as a PSBA director?

6 MR. BROWN: Again, I'll
7 instruct you not to answer what
8 discussions you might have had with
9 the solicitor.

10 THE WITNESS: Yeah. That's
11 what I was going to say, I can't
12 answer that.

13 BY MR. COHN:

14 Q. At what point in time did you
15 ever have any consultation with your school
16 solicitor regarding that subject matter?

17 A. **I didn't say that I did.**

18 Q. Well, have you not -- There's
19 no privilege in not having a conversation.
20 If you have not had that conversation on
21 that subject matter with your school
22 solicitor, will you please confirm that you
23 have not?

24 A. **Similar subject matter, that**

1 **would certainly lead me to believe that what
2 he discussed with me regarding what you're
3 saying is that --**

4 MR. BROWN: Don't discuss what
5 he might have told you.

6 THE WITNESS: Oh, thank you.

7 Sorry.

8 BY MR. COHN:

9 Q. At what point in time did you
10 have a similar discussion with Mr. Fanelli,
11 this year?

12 A. **I don't recall exactly. It
13 was some time in the last -- probably --
14 probably in the last six months.**

15 Q. How about in the last three
16 weeks?

17 A. **No, sir.**

18 MR. COHN: What are we up to
19 here?

20 (Discussion held off the
21 record.)

22 - - -

23 (Whereupon the document was
24 marked, for identification purposes,

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1 as Exhibit Number P-237.)

2 - - -

3 BY MR. COHN:

4 Q. Again, have you ever seen this
5 e-mail before? November 4, 2017 e-mail from
6 Mr. Campbell to Mr. Fairchild. Subject:
7 Bailing out on PSBA (ACLU are coming)?

8 A. **Yes, I believe I have.**

9 Q. Another one that you scanned
10 and did not read, or something that you
11 actually read thoroughly?

12 A. **No, I just scanned it.**

13 Q. Now, you see on the second
14 page there's a reference to paragraph 48 of
15 the July 17, '17 SLAPP suit. Then he
16 quotes. He said, accordingly, it was
17 clearly Campbell's intent and purpose to
18 cause PSBA's 600 plus member entities
19 considerable cost and inconvenience in
20 responding to the requests, including
21 requesting separately the exact -- same
22 exact financial record and legal agreements
23 from PSBA, just for the sole purpose of
24 harassing PSBA and its members, while

1 perverting the process under the
2 Right-to-Know Law. You see that?

3 **A. Yes.**

4 **Q.** And that's something that you
5 read in the Complaint as well; right?

6 **A. Correct.**

7 **Q.** And that's one of the bases
8 for which you approved PSBA's lawsuit
9 against my clients; correct? Yes?

10 **A. I'm -- I'm rereading it to
11 make sure that I'm speaking correctly.
12 Yes.**

13 **Q.** So PSBA -- part of the reason
14 PSBA sued my clients was because Mr.
15 Campbell's and PFUR's requests to your
16 school district members were inconveniencing
17 the school districts and causing them
18 expense and disruption; correct?

19 MR. BROWN: Objection. Go
20 ahead. You can answer, if you can.

21 THE WITNESS: Yes.

22 BY MR. COHN:

23 **Q.** Did you hear from any of
24 PSBA's members telling you that they

1 **A. Yes, sir.**

2 **Q.** Approximately how many people
3 came up to you and gave you positive verbal
4 reinforcement?

5 **A. I do not recall exactly.**

6 **Q.** More than 10?

7 **A. No, probably in that zone.**
8 **Q.** You didn't click on any of the
9 links in this e-mail?

10 **A. I didn't say I didn't click on
11 any. I would have to look and see if I
12 recall. Let me just check here.**

13 **A. I believe I clicked on the
14 financial -- PSBA financial statements.
15 That was all I remember.**

16 **Q.** Okay. Then you see, on the
17 last page of the e-mail, it's signed, Simon
18 Campbell. Do you see it says, "We will all
19 get along fine." It's right there. That
20 paragraph there.

21 **A. Uh-huh.**

22 **Q.** "We will all get along fine
23 just as soon as the state actor SLAPP suit
24 is withdrawn, my legal fees are refunded and

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1 approved of the lawsuit?

2 **A. That they what?**

3 **Q.** That they approved of the
4 lawsuit against my clients?

5 **A. There were some verbal
6 comments to that effect, yes.**

7 **Q.** Who told you they approved?

8 **A. I don't remember exactly. I
9 just remember a number of people just being
10 glad that we -- saying, you know, glad
11 you're pursuing that.**

12 **Q.** And that reinforced your
13 belief that you had done the right thing in
14 authorizing the lawsuit against my clients;
15 correct?

16 **A. That is correct.**

17 **Q.** And around what time were you
18 told that people were pleased that you were
19 -- that the PSBA was suing my clients?

20 **A. At the leadership conference.**

21 **Q.** That was in Hershey in -- in
22 October --

23 **A. Yes, sir.**

24 **Q.** -- of 2017?

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1 Nathan Mains issues a public apology."

2 **A. I see that.**

3 **Q.** And do you remember reading
4 that at the time?

5 **A. Yes.**

6 **Q.** So you were aware that this
7 law -- the underlying lawsuit could have
8 been resolved for its dismissal, an apology
9 for Mr. Mains, and paying Mr. Campbell's
10 legal fees up to that point in time?

11 **A. Absolutely.**

12 MR. BROWN: Objection. Go
13 ahead.

14 THE WITNESS: Yes, I do
15 recall.

16 BY MR. COHN:

17 **Q.** And that's Saturday, November
18 4th.

19 Now, attached to that is

20 another blast e-mail --

21 **A. I'm sorry for interrupting
22 you, but I wanted to clarify. I would not
23 have seen it on that date.**

24 **Q.** Okay. It probably would have

1 been sent to you the following Monday by Mr.
 2 Fairchild, that would stand to reckon?
 3 **A. Within those days when he
 4 returned, yeah.**

5 **Q.** Okay. And then attached to
 6 this e-mail is a third blast e-mail from Mr.
 7 Mains, dated November 2nd. Take a moment
 8 and read that e-mail.

9 **A. (Complying with request.)
 10 I've read it.**

11 **Q.** Have you seen that e-mail
 12 before?

13 **A. Yes, I have.**

14 **Q.** Did you discuss it with
 15 anybody at PSBA before it was sent out?

16 **A. No, sir.**

17 **Q.** Did you discuss with Mr. Mains
 18 why he sent this e-mail?

19 **A. No, I did not.**

20 **Q.** Did you have any discussion
 21 with anybody within PSBA about this e-mail?

22 **A. Not that I can recall.**

23 **Q.** So it came to you as part of
 24 the blast e-mail when you read it?

1 **THE WITNESS:** I don't
 2 interpret it that way. I don't think
 3 that's what was intended by the
 4 letter, at least in my view.

5 My understanding is that --
 6 that Nathan was reassuring any boards
 7 that if -- because I believe, in Mr.
 8 Campbell's e-mail, there was
 9 something about, you know, I'll leave
 10 you alone if you'll do this. It was
 11 sort of a blackmail kind of thing.

12 And -- so in doing so, I think
 13 Nathan was saying, go ahead and do
 14 that if you feel that would be best
 15 for your district.

16 BY MR. COHN:

17 **Q.** So you consider petitioning
 18 governments to be blackmail. Is that what I
 19 understand you to have just said?

20 **MR. BROWN:** Objection.

21 **THE WITNESS:** No, I did not
 22 say that.

23 BY MR. COHN:

24 **Q.** So did you ever have any dis

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1 **A. Yes.**

2 **Q.** Do you have any idea why Mr.
 3 Mains would have to -- would feel a need to
 4 reassure PSBA's entity members that they
 5 wouldn't be retaliated against by PSBA if
 6 they passed the resolution objecting to the
 7 lawsuit?

8 **A. I didn't see that.**

9 **MR. BROWN:** Objection. But go
 10 ahead, you can answer.

11 **THE WITNESS:** I didn't see
 12 where it said retaliation.

13 BY MR. COHN:

14 **Q.** Well, why would he write,
 15 "There is no need for concern about
 16 adversely affecting your entity's
 17 relationship with PSBA or the ways PSBA will
 18 continue to support your dedication and hard
 19 work serving the educational needs of our
 20 Commonwealth school children," if there were
 21 not some reason for PSBA member boards to be
 22 concerned about retaliation?

23 **MR. BROWN:** Objection. Go
 24 ahead, you can answer.

1 -- Do you have any idea how many school
 2 districts have passed resolutions calling
 3 for the discontinuation of the lawsuit?

4 **A. Not exactly.**

5 **Q.** Do you have some idea of how
 6 many?

7 **A. A handful.**

8 **Q.** A handful? Do you consider 40
 9 a handful? Would it surprise you to know
 10 that 40, about seven and a half percent of
 11 your membership passed, at school -- at
 12 public school board meetings a resolution
 13 calling for the discontinuation of the
 14 lawsuit?

15 **A. Yeah. The -- I think that
 16 because Nathan gave them the go ahead that
 17 it was okay.**

18 **Q.** Do you know how many had
 19 actually passed those resolutions prior to
 20 November 2nd?

21 **A. A handful.**

22 **Q.** You think that these people
 23 needed Nathan's go ahead? That's very
 24 interesting. Why would you say that?

1 MR. BROWN: Objection.
 2 THE WITNESS: My thoughts.
 3 BY MR. COHN:
 4 Q. What other coordination has
 5 there been between the school boards and
 6 PSBA about the lawsuit?
 7 MR. BROWN: Objection.
 8 BY MR. COHN:
 9 Q. You can answer.
 10 A. **I don't know what you mean by coordination. Could you clarify?**
 11 Q. Well, you just said that
 12 Nathan Mains gave the go ahead. Doesn't
 13 each individual school district have an
 14 obligation to the students and voters of the
 15 school district to act in the way -- in a
 16 manner that's in the best interest of that
 17 school district?
 18 A. **Absolutely.**
 19 Q. Did you ever have a
 20 conversation with the solicitors for any of
 21 the school districts that passed the
 22 resolution?
 23 A. **No, I did not.**

1 A. **Mars.**
 2 Q. Mars Area School District?
 3 A. **I don't remember exactly which ones.**
 4 Q. Butler Vo-Tech?
 5 A. **You can name all 40. I'm not going to--**
 6
 7 Q. Somerset? We'll get the list.
 8 We'll go through that after lunch, okay?
 9 And you can tell me who told you that they
 10 were being insincere.
 11 A. **Actually, I can't answer that because it was based on a conversation with counsel.**
 12 Q. So lawyers told you that they
 13 had heard --
 14 A. **I didn't say that.**
 15 Q. I don't understand. Explain
 16 to me how -- how what you just told me is
 17 based upon a conversation with counsel?
 18 A. **I'm saying that I had a conversation with our counsel in which some information to that effect was shared with**

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1 Q. You seem to be questioning
 2 their bona fides in calling for its
 3 discontinuation. Why don't you think that
 4 some of them concluded that the lawsuit was
 5 unfounded and unconstitutional?
 6 MR. BROWN: Objection, but you
 7 can answer.
 8 THE WITNESS: Because some of
 9 what I heard was that that wasn't
 10 sincere. They were letting us know
 11 that it wasn't sincere, but that they
 12 were trying to appease Mr. Campbell.
 13 BY MR. COHN:
 14 Q. Who told you that?
 15 A. **I had several board members tell me that from different boards. I don't remember exactly.**
 16 Q. Which ones?
 17 A. **I don't recall.**
 18 Q. Clarion?
 19 A. **No.**
 20 Q. Butler?
 21 A. **No, not them.**
 22 Q. Mars?

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1 me.
 2 Q. So you're now retracting your
 3 prior testimony as untrue, that people came
 4 up to you and told you this themselves?
 5 MR. BROWN: Objection.
 6 THE WITNESS: No, I think I
 7 said I heard that people had said
 8 that.
 9 BY MR. COHN:
 10 Q. And you also said people came
 11 up to you and told you. Then I asked you
 12 who. And now you're telling me that you
 13 heard this through a lawyer. So --
 14 A. **Isn't that a person?**
 15 Q. Yes, but that's a person, not
 16 people, and it's inconsistent with your
 17 prior testimony.
 18 MR. BROWN: Objection. I
 19 don't believe it's inconsistent.
 20 BY MR. COHN:
 21 Q. Who was the lawyer?
 22 THE WITNESS: Do I need to
 23 answer?
 24 MR. BROWN: You can tell him

1 who the lawyer was.

2 THE WITNESS: Mr. Fanelli.

3 BY MR. COHN:

4 Q. And where did you -- Where
5 were you when you were speaking with Mr.
6 Fanelli?

7 A. **I don't recall.**

8 Q. What legal advice were you
9 asking him for at the time?

10 MR. BROWN: Objection. She
11 does not have to tell you what legal
12 advice she was asking for.

13 BY MR. COHN:

14 Q. Were you asking him for legal
15 advice, or were you having a conversation
16 with him?

17 A. **A conversation that included
my understanding of the legal situation.**

18 Q. Which legal situation? The
19 legal situation with the PSBA?

20 MR. BROWN: I object. She's
21 covered that this is a discussion
22 that involved --

23 MR. COHN: No, no, no.

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1 MR. BROWN: Yes.

2 MR. COHN: If I have a
3 conversation with you about the
4 Mueller investigation, it sure as
5 heck is not privileged. If she has a
6 conversation with Mr. Fanelli, who
7 has no representation on the PSBA,
8 there is no attorney/client
9 privilege, if she's speaking with him
10 as a PSBA person.

11 And if she's speaking with him
12 as a Lewisburg person, then it has
13 nothing to do with the -- you know,
14 that representation.

15 If it has to do with her PSBA,
16 there's a waiver. Okay? And there's
17 no attorney/client privilege because
18 that's a guy, he's not a lawyer.

19 BY MR. COHN:

20 Q. Now, let's make the foundation
21 here. When did you speak to Mr. Fanelli
22 about the conversation that we are talking
23 about right now?

24 A. **I don't recall.**

1 Q. Where was this conversation
2 held?

3 A. **I don't recall.**

4 Q. Was it in person, was it on
5 the telephone?

6 A. **I don't recall. I'm sorry.**

7 Q. Okay.

8 A. **I just remember my impressions
of what he had said.**

10 Q. Okay. And were you
11 together -- Was this at the PSBA conference?

12 A. **I don't recall.**

13 Q. Did you see him at the PSBA
14 conference?

15 A. **I don't recall if I saw him
there or not.**

17 Q. How often do you see Mr.
18 Fanelli?

19 A. **Fairly often because sometimes
he's on FaceTime, that kind of thing.**

21 Q. On FaceTime for what? Just to
22 talk with him?

23 A. **No. For school, our school
district interactions.**

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1 Q. Okay. Mr. Fanelli was sharing
2 with you -- you're aware that some of Mr.
3 Fanelli's own school boards passed
4 resolutions; right?

5 MR. BROWN: Objection. Go
6 ahead.

7 THE WITNESS: Yeah, I can't
8 discuss that.

9 BY MR. COHN:

10 Q. You're aware, are you not,
11 that some of his own school boards, that he
12 is also school solicitor for, passed the
13 resolution that Mr. Campbell was lobbying
14 for; correct?

15 A. **I don't know that.**

16 Q. Did Mr. Fanelli tell you about
17 the deliberations within his own school
18 boards for which he -- for -- the school
19 boards that passed the resolution?

20 A. **No.**

21 Q. Are you sure?

22 A. **Yes.**

23 Q. If I put him under oath, he's
24 going to tell me that too?

A. Yes.

MR. BROWN: Objection.
 THE WITNESS: I'm sorry.
 BY MR. COHN:
Q. Where else would he know about these things? And what does this have to do with any legal advice to you?

MR. BROWN: Objection. How should she know what Mr. Fanelli knows?

BY MR. COHN:

Q. What legal advice were you seeking from him when he told you about the other school districts?

MR. BROWN: Objection. She doesn't have to discuss what legal advice she was seeking.

BY MR. COHN:

Q. What was the subject matter of your discussion with him when he chose to raise that with you?

A. I'm trying to think how I can answer without revealing my conversations with him. I don't think I can.

resolution condemning the lawsuit; correct?

A. When you use the word "considered," what do you mean.

Q. Discussed whether or not to pass a resolution?

A. Then the answer would be --
 MR. BROWN: And again, I'll instruct --
 THE WITNESS: I don't know how to answer.

MR. BROWN: -- you not to answer if there were discussions with Mr. Fanelli about possibly the filing resolution.

THE WITNESS: That's what-- I can't answer then.

(Discussion held off the record.)

- - -
 (Whereupon the document was marked, for identification purposes, as Exhibit Number 238.)

- - -
 BY MR. COHN:

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Q. You were speaking with him as a PSBA director about this issue; correct?

A. No, I was not.

Q. But you say that the school district never considered these issues; correct?

A. The school board never considered those issues, no.

Q. Well, who within the school district did?

A. I'm sorry. I don't understand your question.

Q. Are you saying that you, as a school district director, with your school district director hat on, considered with Mr. Fanelli Mr. Campbell's request that the school district pass a resolution condemning the lawsuit?

A. I didn't say I considered it.

Q. So nobody, as far as you know on the -- in the school district, on the board or in the -- in the management of the school district, if you will, the administration, considered passing the

Q. Have you seen this e-mail before, Ms. Swope?

A. I believe I have.

Q. Did you click on any of the links on this e-mail?

A. I don't -- I don't recall clicking on any of them, but I may have.

Q. Well, have you seen the preliminary objections brief that was filed in response to the original Complaint?

A. If you could show me, I can tell you if I've seen it. I don't know things by title very well.

Q. Sure. We'll get back to that in a second. Let's just go through here.

A. Sure. So looking at the links here on the second page, the October 16th blast e-mail. We've looked at that, right.

A. Uh-huh.

Q. And we've looked at the October 17 e-mail that I sent to Mr. Heim, the letter that Mr. Campbell refers to. We looked at that already, right?

A. Uh-huh.

1 Q. And we looked at the 11 -- the
 2 November 2nd letter back from Mr. Heim,
 3 claiming a common interest privilege with
 4 the school districts. You see that?

5 A. **Yes, I do.**

6 Q. And let's take a look at the
 7 Preliminary Objections, which are P-211.
 8 - - -

9 (Whereupon the document was
 10 marked, for identification purposes,
 11 as Exhibit Number P-211.)
 12 - - -

13 BY MR. COHN:

14 Q. These are the Preliminary
 15 Objections to the underlying Complaint that
 16 were filed in Cumberland County with the
 17 Prothonotary on November 9th, 2017.

18 I'm not asking you to read
 19 this all right now, but my question is: Did
 20 you -- have you seen this before, first of
 21 all?

22 A. **I believe so.**

23 Q. Did you get a copy of it
 24 around the time that it was filed?

1 away.

2 MR. COHN: Let's go off the
 3 record.

4 VIDEO TECHNICIAN: The time is
 5 now 12:03 p.m. We're off the video
 6 record.

7 (Whereupon there was a recess
 8 in the proceeding.)

9 VIDEO TECHNICIAN: The time is
 10 now 1:03 p.m. We're back on the
 11 video record. This begins media unit
 12 number three.

13 MR. COHN: P-239, which we'll
 14 probably get around to, is the Brief
 15 in Support of the Preliminary
 16 Objections to the Amended Complaint,
 17 for the record.

18 - - -
 19 (Whereupon the document was
 20 marked, for identification purposes,
 21 as Exhibit Number P-240.)
 22 - - -

23 BY MR. COHN:

24 Q. P-240 is a November 27, 2017

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1 A. **I don't recall, if I saw it,**
 2 **when I saw it.**

3 Q. Did you read it when you
 4 received it?

5 A. **I don't remember reading this**
in its entirety.

6 Q. Was this something that you
 7 would have been provided with prior to the
 8 straw vote that was taken in December to
 10 continue the lawsuit?

11 A. **I don't recall specifically if**
I saw this before that or not.

12 Q. And, by the way, I have to
 13 retract. This is not the brief that was
 14 attached. These are the Preliminary
 16 Objections. We'll get the brief for you to
 17 look at too.

18 Did you actually read the
 19 brief that was provided?

20 A. **If you'd show it to me, I**
 21 **don't -- There's so many documents. I don't**
 22 **-- I can't -- I don't know them by title, as**
 23 **you do.**

24 Q. All right. You can put that

1 e-mail from Mr. Campbell to Mr. Fairchild,
 2 Re: Forwarding, encouraging you to
 3 reconsider your SLAPP suit. And it is a
 4 cover e-mail to Lewisburg from Mr. Campbell,
 5 forwarding a Sunday, November 26, 2017
 6 e-mail to the governing board directors of
 7 PSBA.

8 And my first question to you,
 9 did you receive the forwarded e-mail?

10 A. **Yes, I believe I did.**

11 Q. My second question to you is,
 12 did you receive a copy of the e-mail that
 13 was forwarded to Mr. Fairchild, who then, in
 14 turn, sent that to you?

15 A. **Yes, I believe I did.**

16 Q. And did you review Mr.
 17 Campbell's e-mails?

18 A. **As I look at this again, I**
 19 **think I probably scanned -- my recollection**
 20 **is, I scanned the first one. The second one**
 21 **-- I'm sorry, that I read the first one,**
 22 **scanned the second one. I said that**
 23 **backwards, didn't I?**

24 Q. Uh-huh. So, let's look at Mr.

1 gets a voice, but not a vote?

2 **A. Correct.**

3 **Q.** Okay. All right. So he sends
4 -- he writes to you in your individual
5 capacity and in your capacity as elected
6 government officials, again, asking that the
7 SLAPP suit be withdrawn before a federal
8 lawsuit is actually filed. Do you see that?

9 **A. Yes.**

10 **Q.** Did you not take seriously the
11 Plaintiff's intention to file this lawsuit
12 at that time?

13 **A. No, I took it seriously.**

14 **Q.** It says, you may be PSBA board
15 directors, but you never cease acting under
16 color of state law when making governing
17 decisions as PSBA directors, because you are
18 only PSBA directors as a derivative of being
19 elected public officials in the Commonwealth
20 of Pennsylvania. Did you read that at the
21 time?

22 **A. Yes.**

23 **Q.** Did you contemplate that at
24 the time?

1 I'm sorry to jump around in time, but this
2 is going back --

3 **A. It's all right. I'll do my
4 best to keep up with you.**

5 **Q.** Now, my question to you is:
6 Do you recognize this as the brief in
7 support of the defendant's preliminary
8 objections to PSBA's initial Complaint?

9 **A. Yes.**

10 **Q.** And this was given to you at
11 some point in time?

12 **A. Correct.**

13 **Q.** Do you remember at what point
14 in time?

15 **A. No, I'm sorry. I do not.**

16 **Q.** As you read the November 26th
17 e-mail that we're talking about right now,
18 which is Exhibit P-240, there is a link to
19 that brief. Do you remember whether or not
20 you did or did not click on that link
21 because you had already or had not already
22 seen the brief?

23 **A. It might have been that is
24 where I saw it, but I don't know for sure.**

1 **A. I did.**

2 **Q.** Did you seek legal advice
3 about that issue at the time?

4 **A. No.**

5 **Q.** And he attaches, again, the
6 letter from the ACLU, which we've discussed
7 and you've previously read; correct?

8 **A. Correct.**

9 **Q.** Again, he attached the
10 preliminary objections that, at some point
11 in time, we may look at today.

12 (Discussion held off the

13 record.)

14 - - -

15 (Whereupon the document was
16 marked, for identification purposes,
17 as Exhibit Number P-241.)

18 - - -

19 BY MR. COHN:

20 **Q.** P-241 is the brief in support
21 of the preliminary objections that were
22 filed in November, that miraculously is now
23 printed on both sides of the paper, so we
24 spared half a tree. And this is going --

1 **I may have already seen it.**

2 **Q.** And did you read the brief?

3 **A. Yes. I -- I will tell you**

4 **that I scanned the brief. I did not read it
5 word for word.**

6 **No, this one is the -- Hold
7 on, hold on, hold on.**

8 **Q.** This is the November brief.

9 **A. Yes, this one I read word for
10 word. I'm sorry.**

11 **Q.** Who did you discuss this brief
12 with, other than Mr. Levin?

13 **MR. BROWN:** Or Mr. Heim.

14 **THE WITNESS:** Right. I didn't
15 -- at that -- at this point in time,

16 I think that I -- I think I had a
17 discussion with Nathan just
18 acknowledging the brief and may
19 have -- as I recall, I think I said
20 something -- may have said something
21 about, you know, that I didn't
22 interpret these things the same way
23 that they were interpreted in the
24 brief.

1 BY MR. COHN:

2 Q. Did Mr. Mains ever express to
3 you a personal animus towards Mr. Campbell?
4 A. **I wouldn't say personal
5 animus, no.**

6 Q. How did Mr. Mains refer to Mr.
7 Campbell when he spoke of him?

8 A. **Probably frustration, with
9 some frustration.**

10 Q. All right. So, you read this
11 word for word once when you got it? That's
12 your testimony?

13 A. **Yes, sir.**

14 Q. And this was something that
15 you considered in your future deliberations
16 as to whether or not to discontinue the
17 lawsuit; correct?

18 A. **That would be correct.**

19 Q. So, going back to Mr.
20 Campbell's e-mail, which is P-240 --

21 A. **Yes.**

22 Q. By the way, have you ever met
23 Mr. Heim?

24 A. **I don't know. I don't think**

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1 **so.**

2 Q. You ever spoken with him?

3 A. **Yes.**

4 Q. You ever spoken with him prior
5 to the commencement of this lawsuit that
6 you're sitting here in?

7 A. **No.**

8 Q. I'm talking about the federal
9 lawsuit.

10 A. **The whole Campbell issue is
11 what you're talking about?**

12 Q. No, I'm trying to draw a
13 distinction between any conversations you
14 may have involved -- that involved Mr. Heim
15 subsequent to February 28th of 2018, and any
16 you may have had that involved him prior to
17 that point in time.

18 A. **Oh, before the --**

19 Q. Before the federal lawsuit.

20 There's a lawsuit where PSBA has sued my
21 clients, and then there's this lawsuit --

22 A. **Right.**

23 Q. -- where we have sued PSBA and
24 all of the governing board directors, save

1 for Mr. Moore?

2 A. **Correct. Before this was
3 actually filed, I don't recall if he was on
4 the phone when we were having our
5 discussions in June or not.**

6 Q. Okay. Now, go to the next
7 page of that e-mail. You see the little
8 heading, "More PSBA Retaliation Equals More
9 Liability"?

10 A. **Yes, I see that.**

11 Q. It says, "One of my attorneys,
12 Jack Cohn, has cautioned PSBA's retained
13 SLAPP lawyer, David Heim, that everything
14 state actor PSBA says or does in retaliation
15 for my protected constitutional speech is
16 actionable in federal court." And you read
17 that at the time; right?

18 A. **Yes.**

19 Q. And you factored that into
20 your consideration of whether or not to
21 continue the lawsuit?

22 A. **Yes.**

23 Q. And did you happen to click on
24 the link in that paragraph about, ACLU's

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1 past work in this area led to the city of
2 Greensburg paying a \$98,000 settlement after
3 that state actor got sued in federal court
4 for First Amendment retaliation following an
5 ill-conceived State Court lawsuit it had
6 initiated?

7 A. **No, I did not.**

8 Q. But, to be clear, from July
9 through to the beginning of December, Mr.
10 Campbell was very clear in communicating
11 with you about what would happen if PSBA did
12 not discontinue this lawsuit; correct?

13 A. **Yes.**

14 Q. And he was very clear in
15 giving several options for PSBA to
16 discontinue the lawsuit without having to be
17 sued in this lawsuit; correct?

18 MR. BROWN: Objection, but you
19 can answer.

20 THE WITNESS: No, I can't
21 answer because I don't know. When
22 you say several, I'm not sure what
23 you're referring to.

24 BY MR. COHN:

1 Q. He wrote and he said, drop the
 2 lawsuit and give me an apology, in October.
 3 You remember, we looked at that e-mail;
 4 right?

5 A. **Yes. It included money, too,**
 6 **I believe.**

7 Q. Then there was another -- We
 8 can go back and look at them.

9 A. **No, I trust you.**

10 Q. But the first one was, drop
 11 the lawsuit and apologize.

12 A. **Okay.**

13 Q. And then the second one was,
 14 drop the lawsuit and apologize, and pay me
 15 my legal fees so far.

16 A. **Uh-huh.**

17 Q. And you were aware of that;
 18 correct?

19 A. **Yes.**

20 Q. And you considered that in
 21 deciding to continue to support the lawsuit;
 22 correct?

23 A. **Correct.**

24 Q. And there were letters from me

1 reflects a lack of familiarity with case
 2 law." You see that in the --

3 A. **Yes, I do.**

4 Q. -- first full paragraph?

5 A. **I do.**

6 Q. And did you click on that
 7 link?

8 A. **No.**

9 Q. The link would have taken you
 10 to the November 2nd letter that we went over
 11 earlier, where Mr. Heim just said, "There's
 12 no basis for any conclusion that PSBA is a
 13 state actor. You remember looking at that?

14 A. **Yes, I do.**

15 Q. Okay. Did you ever see
 16 anything where there was any basis provided
 17 to you for any -- any claim that PSBA was
 18 not a state actor, other than the position
 19 that Mr. Levin transmitted to me in
 20 December?

21 MR. BROWN: And I'll instruct
 22 you not to answer with regard to any
 23 discussions you had with Mike or
 24 David Heim or another attorney.

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1 to your counsel; correct?

2 A. **Correct.**

3 Q. And there were letters from
 4 the ACLU to your counsel; correct?

5 A. **Correct.**

6 Q. And all of this was considered
 7 by you in deciding to continue the lawsuit;
 8 correct?

9 A. **That is correct.**

10 Q. And below here, below the --
 11 two bullets down, it says, "PSBA as state
 12 actor."

13 A. **Uh-huh.**

14 Q. And again, Mr. Campbell warns
 15 you that PSBA is a state actor; correct?

16 A. **He --**

17 MR. BROWN: Objection. You
 18 can answer.

19 THE WITNESS: He -- he makes
 20 that claim, but I don't agree with
 21 that, so...

22 BY MR. COHN:

23 Q. And he said -- Then he
 24 references you to, "Attorney Heim's opinion

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1 THE WITNESS: Right. Could
 2 you ask the question again, please?

3 BY MR. COHN:

4 Q. No, we'll get there. We'll
 5 get to it in due -- I withdraw that
 6 question, but we'll get to it when we get to
 7 -- to Mr. Levin's e-mail to me.

8 And you saw that -- you see,
 9 he walks you through a First Amendment
 10 retaliation in this -- let -- in this
 11 e-mail. You see that?

12 A. **Yes.**

13 Q. And you read all of that?

14 A. **Yes. Not the click links, but**
 15 **I read the e-mail.**

16 Q. Okay.

17 A. **Again, this is the one I**
 18 **scanned. I had testified earlier that I**
 19 **scanned this.**

20 Q. And again, towards the end, he
 21 talks about the accusation in the Complaint
 22 that he committed two criminal acts. Do you
 23 see that at the bottom of the following
 24 page, number three?

1 A. **Following page. Yes, I see**
 2 **that.**

3 Q. Did you do any investigation
 4 or inquiry as to the basis for PSBA to
 5 accuse Mr. Campbell of being a criminal?

6 MR. BROWN: I encourage you
 7 not to answer as far as your
 8 discussions with counsel on that
 9 topic.

10 THE WITNESS: Yes, I can't
 11 answer you because that was included
 12 in their discussion.

13 BY MR. COHN:

14 Q. Do you think it's a serious
 15 thing to accuse somebody of being a
 16 criminal?

17 MR. BROWN: Objection to the
 18 form, but you can answer.

19 THE WITNESS: Okay.

20 To -- to accuse someone of
 21 being a criminal, I think that that
 22 would be serious.

23 BY MR. COHN:

24 Q. You agree with me that it's

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 1 wrong to falsely accuse somebody of being a
 2 criminal; correct?

3 A. **It's always wrong to falsely**
 4 **accuse.**

5 Q. Okay.

6 A. **But -- go ahead.**

7 Q. And if somebody knows that
 8 there's been a false accusation that that
 9 person has made, you think it would be
 10 important for that person to correct that
 11 false accusation; correct?

12 A. **If there is information that**
 13 **an accusation is false, and they believe**
 14 **that to be accurate, then yes, it should be**
 15 **corrected.**

16 Q. And you think somebody, before
 17 they make such an accusation, should take
 18 care to investigate whether or not there's
 19 truth to that accusation; correct?

20 A. **I think the -- I think that if**
 21 **you have evidence to suggest that there is**
 22 **-- that accusations are made based on the**
 23 **evidence that is before the individual.**

24 Q. Did you ever see the e-mail

1 that Mr. Campbell bcc'd Ms. Leader on, that
 2 is the supposed basis for the charge that
 3 he's a criminal stalker?

4 A. **No.**

5 Q. Do you know that that was also
 6 copied to Mr. Mains?

7 A. **No.**

8 Q. Do you know whether or not Mr.
 9 Mains did any investigation of the alleged
 10 stalker e-mail?

11 A. **I would --**

12 MR. BROWN: Objection.

13 THE WITNESS: -- have no way
 14 to know.

15 BY MR. COHN:

16 Q. Is it fair to say that this
 17 e-mail to the 10 governing board directors
 18 of November 26, Exhibit P-240, was the road
 19 map of the lawsuit that was filed against
 20 you and the other nine directors at PSBA in
 21 federal court?

22 MR. BROWN: Objection to the
 23 form.

24 THE WITNESS: Yeah, I was

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1 going to say, I have no -- no way to
 2 determine whether something is a road
 3 map. I don't know.

4 BY MR. COHN:

5 Q. Did you read the Complaint
 6 that was filed against you?

7 A. **Yes.**

8 Q. Did you read all of it, or you
 9 just scanned it?

10 A. **No, that one I read.**

11 Q. Comparing that to this e-mail,
 12 do you see similarities?

13 A. **Yes, I see repetition of the**
 14 **allegations.**

15 Q. Do you see he pretty much sued
 16 you for exactly what he told you he was
 17 going to sue you for; didn't he?

18 A. **Yes.**

19 Q. So November 30th, 2017, I have
 20 an e-mail that we're going to mark as
 21 Exhibit P --

22 MR. COHN: P-242, right?
 23 (Discussion held off the
 24 record.)

1 - - -
 2 (Whereupon the document was
 3 marked, for identification purposes,
 4 as Exhibit Number P-242.)

5 - - -
 6 MR. COHN: The last one was
 7 P-241. This is P-242. Here's one
 8 for you, here's one for me. You can
 9 take this one for now.

10 BY MR. COHN:

11 Q. By the way, at lunch, did you
 12 have lunch with your counsel?

13 A. I did.

14 Q. Did you discuss the subject
 15 matter of this testimony, your testimony
 16 here today?

17 A. No, more my -- Not the subject
 18 matter, but my demeanor.

19 MR. BROWN: Don't discuss what
 20 we discussed.

21 THE WITNESS: Oh, I don't have
 22 to discuss -- I always do that.

23 BY MR. COHN:

24 Q. Just to be clear, it is

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1 Anybody that would have asked for this.
 2 A. That would have asked for
 3 what? I'm sorry.
 4 Q. For -- for the Nathan Mains
 5 October 16 blast e-mail with the live link.
 6 A. If it -- If it was requested
 7 under Right-to-Know, yes.

- - -

9 (Whereupon the document was
 10 marked, for identification purposes,
 11 as Exhibit Number P-243.)

12 - - -

13 BY MR. COHN:

14 Q. All right. 243 is a December
 15 5, 2017 e-mail from Mr. Campbell to Mr.
 16 Fairchild. Subject: SLAPPPer --

17 MR. COHN: And, for the
 18 record, Brigitte, SLAPP is S-L-A-P-P,
 19 all caps, and then a small E-R.

20 BY MR. COHN:

21 Q. PSBA's latest RTKL chaos.
 22 And again, my question is,
 23 first, whether or not you have seen this
 24 e-mail before.

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1 inappropriate to discuss somebody's
 2 testimony, other than having -- things
 3 having to do with privilege while that
 4 witness is under cross-examination, either
 5 at trial or during a deposition.

6 MR. BROWN: I'm aware.

7 BY MR. COHN:

8 Q. All right. So, here's another
 9 e-mail from Mr. Campbell. And he's sending
 10 another Right-to-Know Law request. Do you
 11 see that?

12 A. Yes, I do.

13 Q. And do you see what he's
 14 asking for?

15 A. Yes.

16 Q. Do you know whether or not
 17 your school district provided this
 18 information?

19 A. Yes, we did.

20 Q. In fact, you gave notice to
 21 PSBA that this was being provided; correct?

22 A. That's correct.

23 Q. And you would have -- and this
 24 would have been given to anybody; correct?

1 A. Let me read it a moment,
 2 please.

3 (Reading document.)

4 Yes, I did see this.

5 Q. How did it come to you? Did
 6 Mr. Fairchild forward that to you?

7 A. Yes.

8 Q. And again, Mr. Campbell is
 9 warning that there is a federal lawsuit
 10 coming; correct?

11 A. Correct.

12 Q. And at this point he is
 13 pointing out that PSBA has claimed a common
 14 interest privilege with its PSBA school
 15 district members; correct?

16 A. Correct.

17 Q. Did you ever discuss this
 18 issue with Mr. Mains?

19 A. No.

20 Q. Do we have an understanding of
 21 what a common interest is?

22 A. Not really.

23 Q. Did you ever read Mr. -- I'm
 24 sorry. Did you ever click and view the one,

1 Q. Do you understand there to be
 2 a distinction between an unregistered
 3 lobbyist in the eyes of the law, who's never
 4 signed up to be a lobbyist, as opposed to a
 5 lobbyist who once was a lobbyist and then
 6 did not maintain the renewal of his lobbying
 7 status?

8 A. **I would say, yes, because my
 9 understanding is, there was a small gap in
 10 the time and it was not -- to me, that's not
 11 the same as never registering.**

12 Q. Do you have any idea what --
 13 how long that gap was?

14 A. **I -- I don't recall. It was
 15 shared with me, and I remember my impression
 16 being, it was a small gap of time.**

17 Q. All right. So there was an
 18 executive session here, in item number three
 19 on the first page.

20 A. **Yes.**

21 Q. A legal issue update.

22 A. **Correct.**

23 Q. Am I safe in assuming that
 24 what occurred there was, a -- among other

1 transmitted; correct?

2 A. **I do.**

3 Q. Was that settlement -- Between
 4 December 2nd, the board meeting of December
 5 2nd, and the transmittal of the settlement
 6 letter on December 8th, was there any
 7 further deliberation concerning the lawsuit
 8 against my clients, within the governing
 9 board or with counsel?

10 MR. BROWN: I would instruct
 11 her not to answer what was discussed
 12 with counsel.

13 THE WITNESS: Thank you.

14 MR. COHN: I'm not asking what
 15 was discussed. I want to know, as --
 16 whether the -- I want to know --
 17 Let's do it this way.

18 BY MR. COHN:

19 Q. Was the decision to transmit
 20 the settlement letter of December 8th made
 21 at the executive session of December 2nd?

22 MR. BROWN: I'm going to
 23 instruct her not to answer that. It
 24 still covers the discussions with

210

212

1 things, a discussion of the lawsuit against
 2 my clients?

3 MR. BROWN: Objection.

4 THE WITNESS: Am I allowed to

5 --

6 BY MR. COHN:

7 Q. That the subject matter -- was
 8 that the subject matter of -- of the
 9 executive session?

10 A. **There were several subject
 11 matters.**

12 Q. Was that one of them?

13 THE WITNESS: Am I allowed to
 14 answer that?

15 MR. BROWN: You can answer
 16 that, what the subject was, just not
 17 what the discussion was.

18 THE WITNESS: Yes.

19 BY MR. COHN:

20 Q. And, we'll get to it shortly,
 21 but on December 8th Mr. Levin sent me a
 22 letter that contained a bunch of legal
 23 assertions, and made a settlement proposal,
 24 which we'll get -- but you remember that was

1 counsel.

2 THE WITNESS: That's why I was
 3 struggling, yeah.

4 BY MR. COHN:

5 Q. Was the December 8th
 6 settlement proposal authorized by the
 7 governing board?

8 A. **How do I say this? The
 9 governing board -- Clarify what you mean by
 10 authorized.**

11 Q. Did Mr. Levin have authority
 12 to transmit the settlement demand of
 13 December 8th to me?

14 A. **Yes.**

15 Q. Did he have -- Was that
 16 authority something that was specifically
 17 given to him in December by the governing
 18 board?

19 A. **I'm not -- I'm not sure how to
 20 answer your question because when you say,
 21 "specifically given to him", could you
 22 clarify what you mean?**

23 Q. Well, let's mark this.

24 MR. COHN: Have we marked this

1 before, 114?

2 MR. ERIC ROSENBERG: I don't
3 believe so.

4 - - -
5 (Whereupon the document was
6 marked, for identification purposes,
7 as Exhibit Number P-114.)

8 - - -
9 BY MR. COHN:

10 Q. All right. We're going to
11 mark P-114.

12 (Discussion held off the
13 record.)

14 BY MR. COHN:

15 Q. Are you familiar with this
16 letter?

17 A. Yes.

18 Q. Did you see this letter, or a
19 draft of this letter, before it was sent to
20 me?

21 A. No.

22 Q. Were you provided with this
23 letter at or around the time that it was
24 sent to me?

1 PSBA? Did Mike Levin send these to me
2 unauthorized?

3 A. No.

4 Q. Was this authorized at the
5 level of the governing board?

6 A. I'm --

7 Q. It was or it wasn't. I'm not
8 asking you what you told your lawyer or what
9 your lawyer told you.

10 A. I know. I'm -- I'm trying to
11 understand, again, the use of the word,
12 "authorize" when you say this.

13 Q. I was talking about the
14 framework that is being proposed.

15 And let's just be clear here.

16 A. Yeah.

17 Q. The first several pages of
18 this letter are devoted to -- largely to Mr.
19 Levin's attempt to convince me that PSBA's
20 lawsuit had merit, and to convince me that
21 the position that PSBA was a state actor was
22 not meritorious; correct?

23 A. Correct.

24 MR. BROWN: I object to the

1 A. Yes.

2 Q. If you will turn to the fourth
3 page.

4 A. (Complying with request.)

5 Q. There is a settlement
6 framework that is proposed that has 12
7 points.

8 A. Uh-huh.

9 Q. Do you see that?

10 A. I do.

11 Q. Did you understand, before
12 this letter was transmitted, that this
13 proposal was going to be made to me?

14 THE WITNESS: Can I answer
15 that?

16 MR. BROWN: You can answer if
17 it doesn't depend on what was told to
18 you by counsel.

19 THE WITNESS: That's what I'm
20 saying. It was discussed with
21 counsel, so --

22 BY MR. COHN:

23 Q. Well, was this letter -- were
24 these 11 points, 12 points, unauthorized by

1 characterization.

2 BY MR. COHN:

3 Q. Is that -- is he telling me
4 anything other than the position that you
5 understood? I mean, he wasn't giving me a
6 legal position that's different from the
7 legal position that -- that you were
8 understanding, was it?

9 A. Right, but here's -- here's --
10 if I share with you what -- what --

11 MR. BROWN: To the extent --

12 THE WITNESS: Yeah.

13 MR. BROWN: -- that your
14 understanding is what was told to you
15 by counsel, you do not have to answer
16 the questions.

17 THE WITNESS: Okay. Then I
18 will say to you that I, as a board
19 member, was aware that -- generally.

20 BY MR. COHN:

21 Q. And to -- to the extent that
22 you had an understanding of the law, this
23 letter is consistent with what you
24 understood the law to be; correct?

1 **A. What do you mean?**

2 **Specifically which law?**

3 Q. The law of defamation, the law
4 of First Amendment, the law of Civil Rights,
5 the law of State Action.

6 **A. Yeah, I don't --**

7 MR. BROWN: I'll object just
8 to the extent that she's not an
9 attorney, but --

10 THE WITNESS: I was going to
11 say, I don't have good knowledge.

12 MR. BROWN: -- but you can
13 answer the question.

14 THE WITNESS: I'm sorry.

15 I did it again. Sorry,
16 Brigitte.

17 THE WITNESS: I don't have
18 enough knowledge to make -- make that
19 assertion.

20 BY MR. COHN:

21 Q. All right. Well, let's --
22 let's look at this here.

23 **A. Okay.**

24 Q. Point number seven is a

1 **board. And I think that, individually, I**
2 **don't have that authority.**

3 Q. All right. Now, number eight.
4 "Mr. Campbell would not engage in defaming
5 PSBA, its directors, its employees or its
6 attorneys in the future."

7 **A. Uh-huh.**

8 Q. That's a demand of PSBA of my
9 clients; correct?

10 **A. That's what we would be at --**
11 **that's what we're asking, yes.**

12 Q. And who's -- who's the one
13 that was supposed to decide what's
14 defamation?

15 **A. My expectation was that the**
16 **attorneys would work that out.**

17 Q. Do you understand the concept
18 of prior restraint?

19 **A. No, I do not.**

20 Q. It says, "Mr. Campbell would
21 not use the Right to Know Act for improper
22 purposes in the future." That's a demand;
23 correct?

24 **A. Sounds like something that**

218
1 requirement that Mr. Campbell has to take
2 down contents from his -- from Web sites;
3 correct? That's one of your demands?

4 **A. That's what we're asking.**

5 Q. Is that still one of your
6 demands, PSBA's demands to resolve this?

7 **A. I can't speak for PSBA.**

8 Q. Is that still a demand that
9 you would be insisting upon, if your voice
10 were to be carried today with PSBA?

11 **A. I -- I believe that the**
12 **go-forward regarding the image of PSBA would**
13 **have to be a discussion in the settlement.**

14 Q. So the PSBA parody on Mr.
15 Campbell, or PFUR's Web sites is something
16 that you're still suing over?

17 MR. BROWN: Objection.

18 Attorney/client privilege.

19 BY MR. COHN:

20 Q. That PSBA is still suing over,
21 right?

22 **A. I can't speak for PSBA.**

23 Q. Who does speak for PSBA?

24 **A. Collectively, as a governing**

220
1 **would be considered a demand, yes.**

2 Q. And that's a demand that PSBA
3 is making for the benefit of its school
4 district members; correct?

5 **A. Correct.**

6 Q. So, you say -- Number 10, PSBA
7 writes, "We recognize that some of the
8 foregoing requirements requiring the drawing
9 of lines between proper speech and speech
10 that is not protected." I read that
11 correctly, even though that's not
12 grammatically correct; right?

13 **A. Correct.**

14 Q. "We would be happy to work
15 with you to establish standards for where
16 that line is. Further, we would be happy to
17 work on procedures for dispute resolution in
18 the event of future disputes." You see
19 that?

20 **A. I do.**

21 Q. So tell me, in filing the
22 lawsuit, who was the one that decided where
23 these lines exist?

24 MR. BROWN: Objection. You

1 can answer to the extent that it
 2 doesn't involve discussions with
 3 counsel.

4 THE WITNESS: Yes. All I can
 5 say is that, again, it was our
 6 expectation that that would be worked
 7 out between the attorneys --

8 BY MR. COHN:

9 Q. But --

10 A. **-- mutually agreeable.**

11 Q. But PSBA sued my clients
 12 because they thought -- PSBA determined that
 13 my clients had crossed the line with respect
 14 to the -- the legal use of Right-to-Know Law
 15 requests; right?

16 A. **That is correct, but that's
 17 not the only reason for the suit.**

18 Q. Okay. I understand, but
 19 that's a reason; correct?

20 A. **Correct.**

21 Q. Okay. Now I want to know, who
 22 appointed PSBA as the arbiter of where the
 23 line is for Right-to-Know Law requests?

24 MR. BROWN: Objection.

1 requests. You want to impose restrictions
 2 on those that don't appear in the statute;
 3 correct?

4 MR. BROWN: Objection.

5 THE WITNESS: I don't think
 6 that's what we had in mind. We did
 7 not have that in mind, no.

8 BY MR. COHN:

9 Q. Well, where in the statute
 10 does it say how many Right-to-Know Law
 11 requests somebody can make?

12 A. **I don't think it's numbers
 13 that were being referenced here.**

14 Q. Oh, it was asking for
 15 information of the school districts so they
 16 could get it from PSBA, is that what the
 17 problem was?

18 A. **No.**

19 Q. It was broader than that?

20 A. **I -- I think that it -- it was
 21 not -- it was not broader than that. It was
 22 just different than what you're saying.**

23 Q. Was the problem with -- with
 24 the Right-to-Know Law request that Mr.

222

224

1 THE WITNESS: I don't think we
 2 claimed that anybody appointed us to
 3 that. It's regarding this suit.

4 BY MR. COHN:

5 Q. Okay. But no Right-to-Know
 6 Law requests were made directly of PSBA,
 7 were they?

8 A. **No.**

9 Q. Okay. So is it fair to say
 10 then that PSBA was suing in a representative
 11 capacity on behalf of its members in trying
 12 to sue Mr. Campbell and PFUR for making
 13 Right-to-Know Law requests to its members?

14 MR. BROWN: Objection.

15 BY MR. COHN:

16 Q. You can answer.

17 A. **I don't -- no. I think we --
 18 I don't think we're suing on behalf of the
 19 members. I think that, you know, that it
 20 was based on the go forward idea that, you
 21 know, what we would like to see happen going
 22 forward.**

23 Q. So you want to control Mr.
 24 Campbell's ability to make Right-to-Know Law

1 Campbell attached links to videos?

2 MR. BROWN: I'm going to
 3 object just to the extent that what
 4 was intended appears in the Complaint
 5 and the Amended Complaint.

6 BY MR. COHN:

7 Q. I think we're done with that
 8 one.

9 MR. COHN: And I think we're
 10 up to P-245.

11 (Discussion held off the
 12 record.)

13 - - -

14 (Whereupon the document was
 15 marked, for identification purposes,
 16 as Exhibit Number P-245.)

17 - - -

18 (Discussion held off the
 19 record.)

20 - - -

21 BY MR. COHN:

22 Q. This is my e-mail back to Mr.
 23 Levin with a copy to Mr. Heim, dated Sunday,
 24 December 10th, 2017.

1 (Discussion held off the
2 record.)

3 BY MR. COHN:

4 Q. Do you see this e-mail?

5 Not now. Were you given a
6 copy of this e-mail at around the time that
7 it was sent?

8 A. **I think -- give me one second**
9 **to just scan it. I'm trying to trigger my**
10 **memory here. There are a lot of e-mail.**

11 **Yes, I do remember receiving**
12 **this.**

13 Q. Now, you say you've read the
14 briefs that have been filed in the federal
15 lawsuit, right?

16 A. **That is correct.**

17 Q. The fundamental arguments on
18 state actor are the second, the third and
19 fourth paragraph of this. Do you see that?

20 A. **I do.**

21 Q. They're not fundamentally
22 different from the arguments that we now
23 have in front of Judge Dubois; right?

24 A. **I --**

1 MR. BROWN: Objection.

2 THE WITNESS: -- disagree.

3 BY MR. COHN:

4 Q. Anyway, so on the 10th this
5 offer of the 8th was -- was rejected;
6 correct?

7 A. **I -- On the 10th, this is your**
8 **letter -- you are rejecting it.**

9 Q. Yes, on behalf of my clients.

10 A. **Okay. I just want to make**
11 **sure that --**

12 Q. Yes, yes, yes.

13 A. **-- we were speaking the same**
14 **language. Yes.**

15 Q. Yes, yes, yes. I know, we got
16 the Brit here.

17 So I wrote at the end, "If
18 PSBA really wants to die on this hill,
19 that's fine with my clients and I will now
20 sleep soundly at night, having twice given
21 PSBA opportunities to get down off its high
22 horse for far less than the federal
23 defendants and/or their insurers are going
24 to have to pay to resolve this situation

1 after the federal suit gets underway." Do
2 you see that?

3 A. **I do.**

4 Q. I wrote, "The old saw that
5 when you find yourself in a hole, stop
6 digging is fully applicable to PSBA's
7 predicament. And the filing of anything
8 other than a with prejudice discontinuance
9 of the state court SLAPP suit tomorrow will
10 only serve to deepen PSBA's hole." Do you
11 see that?

12 A. **I do.**

13 Q. And after inviting somebody
14 else to come talk to me about compensating
15 my clients and paying their attorneys' fees,
16 I said, "Until then, to coin a phrase, see
17 you in court." That's how I ended this
18 letter; right?

19 A. **That is correct.**

20 Q. And you received this letter
21 around the time I sent it; right?

22 A. **That's correct.**

23 Q. Did you have any doubt in your
24 mind that I was going to follow through with

1 my clients in filing a federal lawsuit --

2 A. **No.**

3 Q. -- if this case was not
4 dismissed?

5 A. **No, I had no doubt.**

6 Q. Okay. So going back to your
7 straw poll that you referenced, was that
8 taken before or after my letter was sent on
9 the 10th? My e-mail?

10 A. **I don't recall.**

11 Q. Do you remember whether or not
12 it was taken before or after the governing
13 board meeting?

14 A. **I believe it was taken after**
15 **the governing board meeting.**

16 Q. Do you remember whether it was
17 taken before or after Mr. Levin sent me the
18 settlement demand letter, which is Exhibit
19 P-114, on Friday, December 8th?

20 A. **I don't recall.**

21 Q. Let me see if there's anything
22 in here --

23 MR. COHN: Are you going to
24 get me the -- the corrected privilege

1 log?

2 MR. BROWN: I will.

3 MR. COHN: I'm going to have
4 to reopen these depositions if this
5 is not done quickly.

6 MR. COHN: All right. So why
7 don't we do it this way.

8 Have I already marked the
9 privilege log?

10 Exhibit 105. Here it is.

11 Let's make sure you get a clean one.

12 Did I already mark this?

13 MR. BROWN: Yes, you did.

14 BY MR. COHN:

15 Q. P-105, this is the privilege
16 log, such as it is.

17 And why don't you turn to
18 page 47? Actually, 48. And you will see on
19 the 5th there is an e-mail that says, "PSBA
20 guidance to districts." And I don't know --
21 As far as I know, that's not the accurate re-
22 of the e-mail, but there is a December 5
23 e-mail that is showing that it went from Mr.
24 Mains to the governing board, with copies to

230

1 Mr. Levin and Mr. Heim. And then there's an
2 e-mail of the 6th that says, re: Settlement
3 offer, that goes again to the governing
4 board with the same ccs.

5 A. Uh-huh.

6 Q. And there's an e-mail that
7 comes in from you on the 6th that says,
8 e-mail re settlement offer.

9 There's an e-mail that comes
10 in from Mr. Faccinetto. There's an e-mail
11 that comes in from Mr. Voit. There's an
12 e-mail that comes in from Mr. Hutchinson.
13 There's an e-mail that comes in from Mr.
14 Wolfgang and Ms. Foltz.

15 A. Uh-huh.

16 Q. And Mr. O'Keefe on the 7th and
17 Mr. Levin -- I'm sorry. With this in your
18 view, would I be correct in surmising that a
19 straw poll -- e-mail straw poll was
20 initiated on the 6th by Mr. Mains and
21 responded to by the governing board
22 directors on the 6th and 7th?

23 MR. BROWN: I'm -- I'm going
24 to instruct her not to answer. These

1 are covered by attorney/client
2 privilege, whether there was a straw
3 poll or not.

4 MR. COHN: Well, we know there
5 was a straw poll. And the fact of it
6 is one thing. And attorney/client
7 communications and attorney/client
8 things are another thing. This is a
9 vote on whether to do something. To
10 vote -- and frankly, we are going to
11 have a big privilege fight at some
12 point, especially if you're going to
13 take this because all of this is at
14 issue.

15 Do you think that that kind of
16 vote is privileged? Well, Mr. Mains
17 on October 16th said everybody voted
18 in favor unanimously to start this
19 lawsuit. If that was privileged,
20 this is all at issue now.

21 MR. BROWN: Well, that was a
22 different vote.

23 MR. COHN: That doesn't
24 matter. If you're saying votes are

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1 privileged, then you've got a subject
2 matter privilege over here -- problem
3 here. If you want to say, we're not
4 going to -- I'm not asking for
5 advice. I'm not asking for if advice
6 was asked. I have an e-mail that was
7 sent to a governing board, say yay or
8 nay. Do we make, do we continue a
9 lawsuit? Do we continue a lawsuit?

10 MR. BROWN: I see no basis for
11 that. I don't have this e-mail in
12 front of me. I don't know if that
13 straw poll that she was mentioning --

14 MR. COHN: I'm not asking
15 about what's in an e-mail. I am
16 asking -- she already told me there's
17 a straw poll. I'm trying to get the
18 date. Was the straw poll taken on
19 the 6th or the 5th?

20 MR. BROWN: If you know the
21 date. I am instructing you not to
22 answer as far as --

23 THE WITNESS: To be honest
24 with you --

1 MR. BROWN: -- what the e-mail
2 said.

3 THE WITNESS: -- I do not
4 remember what the date was. And I
5 don't know for sure.

6 BY MR. COHN:

7 Q. Did anybody ever communicate
8 the results of the straw poll to you?

9 A. **I don't recall.**

10 Q. So the next day the Amended
11 Complaint was filed, on the 11th.

12 A. **Okay.**

13 Q. Okay? We'll go look at the
14 Amended Complaint. Did you look at the --
15 Were you provided with a draft of the
16 Amended Complaint before it was filed?

17 A. **No.**

18 Q. Have you ever seen the Amended
19 Complaint?

20 A. **I don't know.**

21 Q. Was the straw poll -- Was
22 there -- was there any dissent to the straw
23 poll?

24 A. **I wouldn't -- I did not**

233

1 Q. Okay. The first one you read
2 carefully and this one you scanned?

3 A. **The first -- yes. That is
4 accurate.**

5 Q. Did you look at the -- did you
6 happen to notice the last attachment? The
7 Exhibit I --

8 A. **Uh-huh.**

9 Q. -- to this?

10 A. **I saw it when I was paging
11 through here.**

12 Q. Did you see it at the time?

13 A. **I don't recall.**

14 Q. Do you know who these redacted
15 e-mails came from?

16 A. **No, I do not.**

17 Q. Did you understand that, in
18 addition to suing for Mr. Campbell and
19 PFUR's communications in the original
20 Complaint, the Amended Complaint is -- was
21 now suing Mr. Campbell for subsequent
22 communications with school districts?

23 A. **Yes.**

24 Q. Did you have a discussion

234

236

1 **receive the other -- all of the responses.**

2 Q. Okay. So we're looking at
3 P-107, which already is marked. Here you
4 go. Here is the Amended Complaint that Mr.
5 Heim caused to be filed in Cumberland County
6 on December 11th. My question is, whether
7 or not you've ever seen that before.

8 A. **I read a Complaint. I don't
9 know which one I read, whether I read the
10 original or the amended.**

11 **No, actually this one has --
12 let me look at this a minute. Hold on.**

13 **Yes, I do. I did see this. I
14 did not read it word for word.**

15 Q. How can you, in your mind,
16 distinguish this one from the original
17 Complaint?

18 That is -- and -- and -- Let
19 me back this up.

20 Now that you see -- that
21 you've seen this one, does that mean you
22 didn't see the other one, or you didn't see
23 that one, or you've seen both of them?

24 A. **I have seen both of them.**

1 about that before those allegations were
2 added with anyone?

3 A. **That would have involved our
4 attorney. So I don't think I can share that
5 with you.**

6 Q. Did you -- did you personally
7 approve of suing Mr. Campbell for his
8 efforts to get school districts to pass
9 objector resolutions?

10 A. **Could you repeat the question,
11 please?**

12 Q. Did you approve of the
13 decision to sue Mr. Campbell for his efforts
14 to get the school districts to pass objector
15 resolutions?

16 MR. BROWN: Objection to the
17 form.

18 MR. COHN: Basis?

19 MR. BROWN: As far as approve,
20 what do you mean by that?

21 MR. COHN: You approve.

22 THE WITNESS: Personally?

23 BY MR. COHN:

24 Q. Yes.

1 A. Yes.

2 Q. Yes. Okay. Now was it --
3 This wasn't a Right-to-Know-Law request
4 attached here, was it?

5 A. It says, new Right-to-Know Law
6 request attached.

7 Q. Okay. So you're suing him,
8 Mr. Campbell, at this point, for making a
9 Right-to-Know Law request subsequent to July
10 of 2017, PSBA is suing?

11 A. I don't think -- I guess I
12 would say, the way you phrase the question,
13 I can't say yes because it sounds like we're
14 objecting to that he's making a request. It
15 was deeper than that, is what I'm saying.

16 Q. Okay. So was the content of
17 the e-mail -- we -- we just went through
18 substantially all of the e-mails that were
19 --

20 A. Uh-huh.

21 Q. -- sent to you and to your
22 school district subsequent to July 17th, up
23 to December.

24 A. Yes.

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1 Q. And something about the
2 content of those e-mails gave PSBA the basis
3 to assert further claims against Mr.
4 Campbell --

5 A. Yes.

6 Q. -- is that what you're telling
7 me?

8 A. That is what I'm telling you,
9 yes.

10 Q. Okay. Can you tell me what?

11 A. I don't recall.

12 Q. Was it the secret wanker
13 video?

14 A. That offended me personally,
15 so that would be one of them.

16 Q. Okay, so that's one of the
17 bases on which PSBA was suing, was for the
18 secret wanker video?

19 A. Yes.

20 MR. BROWN: Objection to the
21 form. I don't know that that's what
22 she said.

23 BY MR. COHN:

24 Q. You can answer.

1 A. No, no. But that would be the
2 type of thing that would be representative
3 of the statement I am making.

4 Q. All right, so Mr. Campbell
5 doesn't have a First Amendment right to send
6 a parody to the government; correct?

7 MR. BROWN: Objection to the
8 form.
9 THE WITNESS: I didn't say
10 that. I said that I didn't view it
11 as parody.

12 BY MR. COHN:

13 Q. Are you aware of Mr. Mains
14 reaching out to Mr. Poirier in May of 2017?

15 A. Who?

16 Q. Mr. Poirier?

17 A. I don't know Mr. Faryay.

18 Who's --

19 Q. Poirier.

20 A. Oh, Poirier. Oh, oh --

21 Q. Do you know who he is?

22 A. Yes. I'm sorry.

23 Q. Yes.

24 A. I misunderstood what you're

240

1 saying.

2 Q. Who's he?

3 A. He is the President of C.M.

4 Regent Insurance Company.

5 Q. He's the Chairman of the Board
6 -- the President and the Chairman of the
7 Board of C.M. Regent; correct?

8 A. That is correct.

9 Q. He's, in fact, the president
10 and CEO of Church Mutual, the parent.

11 A. That is correct.

12 Q. Correct?

13 A. Uh-huh.

14 Q. So are you aware of his e-mail
15 to Mr. Poirier in -- in May of last year?

16 A. Concerning what?

17 Q. Let me get it. Give me a
18 moment. Hold on.

19 Yes, P-55. Did we already
20 mark that?

21 COURT REPORTER: Yes.

22 BY MR. COHN:

23 Q. Here we go, P-55.

24 Have you ever seen that e-mail

1 before?

2 A. No.

3 Q. Did you ever have any
4 conversation with Mr. Mains about that
5 e-mail?

6 A. No.

7 Q. Have you ever considered the
8 potential impact of PSBA's actions upon C.M.
9 Regent?

10 A. I am sorry, I don't understand
11 the question.

12 Q. Have you ever considered the
13 potential impact of PSBA's lawsuit against
14 my clients upon C.M. Regent?

15 A. No.

16 Q. Do you know who insures your
17 home school district for E&O -- errors and
18 omission liability?

19 A. Yes.

20 Q. Who's that?

21 A. C.M. Regent.

22 Q. Do you know how many of the
23 current and former governing board
24 directors' home districts are insured by

1 assistance, if any, C.M. Regent has given to
2 PSBA with respect to the lawsuit against my
3 clients?

4 A. None that I'm aware of.

5 Q. Do you have any idea why Mr.
6 Poirier would be offering to assist PSBA in
7 the lawsuit against my clients?

8 A. I do not know.

9 Q. Looking at Mr. Mains' e-mail,
10 he writes that Mr. Campbell is very angry
11 that PSBA continues to provide our members
12 with advice on how best to approach these
13 requests to stay within the law while
14 granting nothing additional. Do you see
15 that?

16 A. I do.

17 Q. Is that consistent with your
18 understanding of the advice that PSBA was
19 providing to its school district members?

20 A. I think that the advice that
21 was being provided was to help our districts
22 best decide what possible options they have.

23 Q. Do you have any reason to
24 disagree with the way that Mr. Mains

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1 C.M. Regent?

2 A. I think about a third of them.

3 Q. Would it surprise you that a
4 majority of them are represented -- I'm
5 sorry -- insured by C.M. Regent?

6 A. No, I didn't know that.

7 (Discussion held off the
8 record.)

9 BY MR. COHN:

10 Q. Have you spoke with -- spoken
11 with Mr. Poirier about this lawsuit?

12 A. No.

13 Q. Are you aware that a
14 litigation hold demand has been sent to C.M.
15 Regent forwarding a copy of that e-mail?

16 A. No.

17 Q. Do you see the response of Mr.
18 Poirier to the e-mail?

19 A. No, I did not, nor was -- oh,
20 yes, on the top.

21 Q. What did he write?

22 A. Nathan, let us know what we
23 need to assist. Thanks for the heads up.

24 Q. Are you aware of what

1 characterizes this to Mr. Poirier?

2 A. I will finish reading it.

3 Sorry, I didn't get through it all.

4 (Reading document.)

5 Well, having read the rest of
6 that e-mail from Nathan to Mr. Poirier, I
7 would assume that his reason for -- to your
8 previous question, was to make him aware
9 that C.M. Regent was being mentioned in
10 these e-mails by Mr. Campbell, or in the Web
11 site by Mr. Campbell, it looks like. And so
12 that would be, I guess, the reason for the
13 e-mail. And I would suspect that that would
14 be the reason. So -- and Your follow-up
15 question was?

16 Q. I don't remember if I had a
17 follow-up question.

18 A. Okay.

19 Q. But I'm sorry if I'm asking
20 you two in a row. That's not fair to me or
21 to you.

22 A. It's okay.

23 Q. Now, the guidances for
24 responding to Right-to-Know Law requests,

1 they come in from time to time from PSBA to
 2 the school districts; right?

3 **A. Correct. Guidance of all
 4 kinds.**

5 Q. And does your home school
 6 district rely on those guidances for how
 7 they respond to Right-to-Know Law requests?

8 **A. Not usually.**

9 Q. Do they rely upon the
 10 guidances -- strike that.

11 The -- To be clear, when your
 12 -- when your district is responding to
 13 Right-to-Know Law requests, if you want
 14 legal advice you go to Mr. Fanelli. Correct?

15 **A. That's correct.**

16 Q. He's your solicitor; correct?

17 **A. Correct.**

18 Q. Ms. Leader is not your
 19 attorney; right?

20 **A. That is correct.**

21 Q. Mr. Knade is not your
 22 attorney, right?

23 **A. That is correct.**

24 Q. Has your school board ever

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 1 taken advantage of the PSBA's offer to hire
 2 out Mr. Leader -- I'm sorry, Mr. Knade or
 3 Ms. Leader on an hourly basis --

4 **A. No.**

5 Q. -- to do legal work?

6 **A. I'm sorry. No.**

7 Q. Are you aware that that
 8 occurs?

9 **A. I know that that is something
 10 that is available to our membership.**

11 Q. Did you know that the money
 12 that is paid by the hour gets billed by
 13 PSBA, paid to be PSBA and retained by PSBA?

14 **A. I -- Like I said, I don't know
 15 that personally, but I would assume that
 16 would occur.**

17 (Discussion held off the
 18 record.)

19 - - -

20 (Whereupon the document was
 21 marked, for identification purposes,
 22 as Exhibit Number 246.)

23 - - -

24 BY MR. COHN

1 Q. P-246 is an e-mail from me to
 2 a number of school solicitors, dated Sunday,
 3 May 13th, 2018. Take your time and review
 4 that, please.

5 My first question will be
 6 whether or not you've seen that before.

7 **A. (Reviewing document.)**

8 (Discussion held off the
 9 record.)

10 THE WITNESS: I've never seen
 11 this before, to answer your first
 12 question.

13 BY MR. COHN:

14 Q. Okay. Are you aware of its
 15 having been sent to Mr. Fanelli?

16 **A. No.**

17 Q. Would you have expected, as
 18 the president of the Lewisburg School Board
 19 to have been made aware of this e-mail?

20 **A. No.**

21 Q. Would you expect that your
 22 superintendent would have been made aware of
 23 this e-mail?

24 **A. No, probably not.**

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1 Q. How does your school district
 2 handle notices of claim?

3 **A. Could you specify what you
 4 mean by that?**

5 Q. A notice of claim for money
 6 damages that might potentially be covered
 7 under your general liability or errors or
 8 omission liability insurance policy. Is
 9 there a policy for handling such notices of
 10 claim?

11 **A. Not that I'm aware of.**

12 Q. Are you aware that your errors
 13 and -- do you understand what a claims made
 14 policy is?

15 **A. Yes.**

16 Q. Do you understand what a
 17 claims made and reported policy is?

18 **A. Yes.**

19 Q. You're on the board of an
 20 insurance company; right?

21 **A. Yes.**

22 Q. It's important that you know
 23 those things; right?

24 **A. I do.**

1 Q. You're on the board of the
2 Insurance Trust, right?

3 A. **That's correct.**

4 Q. It's important that you know
5 what those things are; right?

6 A. **That is correct.**

7 Q. You see the e-mail here for --
8 for Mr. Fanelli?

9 A. **I do.**

10 Q. Is that the correct e-mail?

11 A. **Actually, I don't see it.**

12 **Hold on. Yes, it is. Yes, it is. I did**
say that. I thought I did. Yes, that
appears to be correct.

15 Q. All right. Do you see the
16 third paragraph from the bottom? It says,
17 "Thus, to the extent that anyone needs
18 clarification that a claim for monetary
19 damages is being asserted." Do you see that
20 paragraph?

21 A. **No, I don't, I'm sorry.**

22 Q. All right. If you go to the
23 very end of the second page --

24 MR. BROWN: It's the second

1 Q. Okay.

2 A. **-- that we would act on that.**

3 Q. Okay. "I am writing to you
4 because I understand that each of you is the
5 solicitor for one of the home school
6 districts of the 10 current voting members
7 of PSBA governing board, seven of whom are
8 currently named as individual defendants."
9 Do you see that on the first page?

10 A. **Yes.**

11 Q. And you see the link to the
12 governing board?

13 A. **Uh-huh.**

14 Q. If somebody clicked on that
15 they would see who -- who their governing
16 board member would be; right?

17 A. **I would suspect that would be**
accurate.

19 Q. You would expect your
20 solicitor to be careful enough to ascertain
21 that; wouldn't you?

22 A. **I -- I would -- I can't**
presume to know what my solicitor would
think.

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1 page.

2 BY MR. COHN:

3 Q. -- of the second page.

4 A. **Oh, I'm on the wrong page.**

5 Q. Sorry, I should have been more
6 -- more specific.

7 A. **The one that begins,**

8 **"Thus"?**

9 Q. Yes. Do you see that?

10 A. **Okay. Yes, I do see it. Just**
let me know when you turn the page because I
was still on the other one.

13 Q. Yes, my bad.

14 Is this the sort of
15 communication that you would expect
16 Lewisburg to forward to its insurance
17 carriers to avoid losing the possibility of
18 coverage?

19 A. **Well, to be honest with you,**
the way I'm looking at this, I don't see
anywhere that it mentions a particular --
school districts. So -- It looks like a
general notice out to solicitors. So I
would not have expected --

1 Q. Okay. But now you're aware of
2 it; right?

3 A. **Now I am.**

4 Q. And you're aware that you're a
5 defendant.

6 A. **I am aware.**

7 Q. And you are aware that this is
8 the -- your home district is Lewisburg;
9 correct?

10 A. **That is correct.**

11 Q. And you're aware that this is
12 the assertion of a claim; correct?

13 A. **Yes.**

14 Q. And if you know anything, you
15 know that we're not kidding and we don't
16 make false promises, do we?

17 MR. BROWN: Objection to form.

18 THE WITNESS: I can't know
19 your mind.

20 BY MR. COHN:

21 Q. Okay. Has Mr. Campbell said
22 that he was going to do anything that he
23 hasn't done in this case?

24 A. **I would have to review, but**

1 **I've no reason to doubt that this would
2 occur, if that's where you're getting at.**

3 Q. Okay. That's what I'm getting
4 at.

5 And nobody has made you aware
6 of this; correct?

7 A. **Of what?**

8 Q. Of this e-mail.

9 A. **I have not seen this e-mail,
10 no.**

11 Q. You know this e-mail was
12 forwarded by one of these recipients to Mr.
13 Levin's firm; don't you?

14 A. **No, I did not know that.**

15 Q. You would have liked to have
16 known that, wouldn't you?

17 MR. BROWN: Objection to form.

18 THE WITNESS: No.

19 MR. COHN: All right. Why
20 don't we take a break. It might be a
21 little longer, but I want to get
22 myself together and see what else I
23 need to cover. And it will go faster
24 If I take a little more time. And

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1 right now it's about -- It's about 10
2 past two. I'd like to have you out
3 the door certainly well in advance of
4 three o'clock, if we can, so you
5 could --

6 THE WITNESS: I appreciate
7 that, so I can get to the
8 baccalaureate. That would be
9 excellent. Thank you.

10 VIDEO TECHNICIAN: The time is
11 2:10 p.m. We're now off the video
12 record. This ends media unit number
13 three.

14 (Whereupon there was a recess
15 in the proceeding.)

16 VIDEO TECHNICIAN: The time is
17 now 2:27 p.m. We're back on the
18 video record. This begins media unit
19 number four.

20 - - -

21 (Whereupon the document was
22 marked, for identification purposes,
23 as Exhibit Number P-214.)

24 - - -

1 BY MR. COHN:

2 Q. P-214 is a letter I'd like you
3 to -- it's the e-mail we just looked at that
4 was forwarded to Mr. Poirier on the 23rd of
5 May.

6 A. **Should I keep going or just
7 the first page right now?**

8 Q. No, just the first page.

9 What's attached is what we just went over in
10 the prior exhibit.

11 A. **Oh, okay.**

12 Q. Have you ever seen this e-mail
13 before?

14 A. **No, sir.**

15 Q. How often does the C.M. Regent
16 board meet?

17 A. **Four times a year.**

18 Q. When's your next meeting?

19 A. **We just had one last Thursday.**

20 Q. Mr. Poirier did not bring this
21 situation to your attention?

22 A. **No, sir.**

23 Q. Do you understand -- You
24 understand that you have the ability, at

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1 least the board collectively has the ability
2 to prevent the E&O carrier from PSBA from
3 settling this case, yes?

4 A. **I'm not sure by what means we
5 have to prevent --**

6 Q. Are you familiar with consent
7 to settle provisions?

8 A. **No.**

9 Q. Okay. Well, we'll represent
10 to you that the E&O policy for PSBA has a
11 consent to settle provision pursuant to
12 which the board can refuse to consent to a
13 settlement to be funded by its insurance
14 company, by AIG. The E&O insurer.

15 A. **Uh-huh.**

16 Q. And my understanding -- you
17 were not aware of that?

18 A. **No.**

19 Q. Okay. Well, so, Is it then
20 that you did not appreciate that when Mr.
21 Levin told me there's no -- there's going to
22 be no consent to any monetary settlement,
23 that he was, in effect, telling AIG it can't
24 pay to settle the monetary claims against

1 PSBA? You didn't understand --

2 **A. I have no --**

3 MR. BROWN: Objection to form.
 4 THE WITNESS: I have no
 5 understanding of the legal aspects of
 6 what you're discussing.

7 BY MR. COHN:

8 Q. Okay. Do you understand that
 9 your refusal to consent to settlement
 10 handcuffs PSBA's errors and omissions
 11 insurer from paying money to my clients to
 12 get you out of this lawsuit?

13 **A. Yes.**

14 Q. Okay. It's the same for the
 15 others. Do you understand the nature of the
 16 E&O policy that covers your home school
 17 district?

18 **A. To what extent?**

19 Q. Do you know that it does not
 20 contain a consent to settlement clause?

21 **A. No, I did not.**

22 Q. Do you understand that it has
 23 a \$25,000 self-insured retention?

24 **A. I do know that.**

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1 Q. And do you understand that
 2 PSBA's policy has a \$25,000 self-insured
 3 retention?

4 **A. I did not know that.**

5 Q. Do you understand that it's my
 6 client's intention, if this goes through to
 7 the injunction phase, and we get an
 8 injunction, and then proceeds to the damages
 9 phase, to amend the Complaint to add your
 10 home school district as a defendant to seek
 11 to recover money from your home school
 12 district?

13 MR. BROWN: Objection to the
 14 form, but you can answer.

15 THE WITNESS: You've made me
 16 aware of that today.

17 BY MR. COHN:

18 Q. Do you perceive the conflict
 19 of interest inherent in your position?

20 **A. No.**

21 MR. BROWN: Objection to the
 22 form.

23 BY MR. COHN:

24 Q. So we previously marked as

1 P-239, the brief that was filed by my
 2 clients on December 22, 2017 in support of
 3 their preliminary injunction -- objections
 4 to the Amended Complaint of PSBA. And
 5 you've started to look at that. Now I hand
 6 that to you again.

7 **A. Okay.**

8 Q. And my first question is
 9 whether or not you've ever seen this?

10 **A. Yes.**

11 Q. Was it provided to you at
 12 around the time it was filed?

13 **A. Which was?**

14 Q. December 22nd. We wasted no
 15 time.

16 **A. I believe so.**

17 Q. Did you review it at the time?

18 A. **I don't recall. I have seen**
 19 **it and I have reviewed it, but I don't**
 20 **recall the timeline as to how close to that**
 21 **moment that I did.**

22 Q. Was there any further
 23 discussion between you and anybody at PSBA
 24 about whether or not to continue the lawsuit

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1 in light of the newly filled preliminary
 2 objections in December?

3 MR. BROWN: I'll instruct you
 4 not to answer it if there were
 5 discussions with counsel on that
 6 topic.

7 THE WITNESS: Any discussion
 8 regarding that would have been with
 9 counsel, so I'll decline.

10 BY MR. COHN:

11 Q. Following this, was there any
 12 consideration of directing Mr. Heim not to
 13 file an opposition to the preliminary
 14 objections to the Amended Complaint?

15 **A. By -- by who?**

16 MR. BROWN: Objection.

17 BY MR. COHN:

18 Q. By PSBA.

19 A. **I can't speak for PSBA, but I**
 20 **can say that I'm not aware of a discussion.**

21 Q. Are you aware of any
 22 discussion -- Sorry.

23 No discussions at all, that
 24 you're aware of, other than --

1 **A. Not that I can recall.**

2 Q. Okay. After the straw vote
 3 you referenced, has there been any other --
 4 from that point forward, any other straw
 5 vote or any other poll of the governing
 6 board to ascertain whether or not they
 7 wanted to continue to proceed with the
 8 underlying action?

9 MR. BROWN: Again, to the
 10 extent that there were discussions
 11 with the counsel --

12 THE WITNESS: I was going to
 13 say, I'm trying -- yeah.

14 MR. BROWN: -- I instruct you
 15 not to answer.

16 THE WITNESS: Yeah, any -- any
 17 discussion would have been with
 18 counsel. I'm trying to think if
 19 there was anything without. And I
 20 can't recall any.

21 BY MR. COHN:

22 Q. Were there discussions with
 23 counsel?

24 **A. I am -- I'm trying to recall.**

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 1 **There would have been if we discussed that**
 2 **matter, but I don't recall specifically if**
 3 **we did.**

4 Q. Well, there are responses to
 5 Requests for Admission that claim that at
 6 least as of April the matter of continuing
 7 the lawsuit had not been brought up for
 8 consideration by the board. Is that -- Are
 9 those responses accurate?

10 A. **Yes.**

11 Q. When's your next board
 12 meeting?

13 A. **It's in -- well, we have a --**
 14 **a phone conference in June.**

15 Q. Do you have an understanding
 16 of how punitive damages work?

17 A. **Not in depth understanding.**

18 Q. Do you have an understanding
 19 that they're not indemnifiable by insurance
 20 companies under Pennsylvania law?

21 A. **No.**

22 Q. Do you have an understanding
 23 of -- that they are not indemnifiable by a
 24 not for profit corporation under

1 Pennsylvania law?

2 **A. I don't even know what that**
 3 **means, what you're saying.**

4 Q. I'm suggesting to you that if
 5 punitive damages are awarded against you,
 6 you're going to have to pay them from your
 7 own family's assets, and nobody can pay you
 8 back, as a matter of Pennsylvania public
 9 policy. Has anybody ever suggested to you
 10 that that might be the case?

11 MR. BROWN: Again, I'll
 12 instruct you not to answer to the
 13 extent it was discussed with you with
 14 counsel.

15 THE WITNESS: Yes it was.

16 BY MR. COHN:

17 Q. Have you ever considered that
 18 by taking the legal position that PSBA is
 19 not a government actor, not a state actor?
 20 That you may be forfeiting an argument for
 21 qualified immunity personally?

22 MR. BROWN: Objection.

23 THE WITNESS: I have not
 24 considered that.

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1 MR. COHN: I think I have no
 2 further questions. Unless you have a
 3 cross-examination, I think we should
 4 set Ms. Swope free to be on her way
 5 back to Lewisburg.

6 MR. BROWN: I have no
 7 questions for Ms. Swope at this time.

8 VIDEO TECHNICIAN: The time is
 9 now 2:36 p.m. We are off the video
 10 record. This ends media unit number
 11 four in today's deposition. Thank
 12 you.

13 - - -

14 (Witness excused.)

15 - - -

16 (Deposition concluded at
 17 2:36 p.m.)

18

19

20

21

22

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24

1 CERTIFICATE
2

3 I do hereby certify that I am a
 4 Notary Public in good standing, that the
 5 aforesaid testimony was taken before me,
 6 pursuant to notice, at the time and place
 7 indicated; that said deponent was by me duly
 8 sworn to tell the truth, the whole truth,
 9 and nothing but the truth; that the
 10 testimony of said deponent was correctly
 11 recorded in machine shorthand by me and
 12 thereafter transcribed under my supervision
 13 with computer-aided transcription; that the
 14 deposition is a true and correct record of
 15 the testimony given by the witness; and that
 16 I am neither of counsel nor kin to any party
 17 in said action, nor interested in the
 18 outcome thereof.

19 WITNESS my hand and official seal
 20 this 14th day of June, 2018.
 21

22 <%signature%>
 23

24 Notary Public

1 -----

2 -----
ERRATA

3 PAGE LINE CHANGE

4 -----
5 Reason for Change:

6 _____

7 -----
8 Reason for Change:

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11 Reason for Change:

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14 Reason for Change:

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20 Reason for Change:

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23 Reason for Change:

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1 INSTRUCTIONS TO WITNESS
2

3 Please read your deposition over
 4 carefully and make any necessary
 5 corrections. You should state the reason in
 6 the appropriate space on the errata sheet
 7 for any corrections that are made.

8 After doing so, please sign the
 9 errata sheet and date it.

10 You are signing same subject to the
 11 changes you have noted on the errata sheet,
 12 which will be attached to your deposition.

13 It is imperative that you return the
 14 original errata sheet to the deposing
 15 attorney within thirty (30) days of receipt
 16 of the deposition transcript by you. If you
 17 fail to do so, the deposition transcript may
 18 be deemed to be accurate and may be used in
 19 court.

1 ACKNOWLEDGMENT OF DEPONENT

2 I, _____, do
 3 hereby certify that I have read the
 4 foregoing pages ___ to ___ and that the same
 5 is a correct transcription of the answers
 6 given by me to the questions therein
 7 propounded, except for the corrections or
 8 changes in form or substance, if any, noted
 9 in the attached Errata Sheet.

11 _____

12 _____

13 DATE SIGNATURE

14

15 Subscribed and sworn to before
 16 me this

17 _____ day of _____, 2018.

18

19 My commission expires:

20 _____

21 _____

22 _____
23 Notary Public

24 _____